

# FINAL BILL REPORT

## E2SHB 1114

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Synopsis as Enacted

**Brief Description:** Reducing the wasting of food in order to fight hunger and reduce environmental impacts.

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Doglio, Slatter, Fey, Peterson, Ryu, Fitzgibbon, Tharinger, Jinkins, Macri and Walen).

**House Committee on Environment & Energy**  
**House Committee on Appropriations**  
**Senate Committee on Agriculture, Water, Natural Resources & Parks**  
**Senate Committee on Ways & Means**

### **Background:**

#### Solid Waste Management.

Under the state's solid waste management laws, local governments are the primary government entity responsible for implementing state solid waste management requirements. The Department of Ecology (ECY) also has certain roles in overseeing the administration of solid waste management laws. The ECY is responsible for working cooperatively with local governments as they develop their local solid waste management plans. The ECY also evaluates, analyzes, and monitors the state's solid waste stream, and develops a statewide solid waste plan that, in part, addresses organic material wastes.

County and city solid waste management plans are required to contain certain elements, including a waste reduction and recycling element. This element must include waste reduction strategies, recycling strategies, and source separation strategies, including yard waste collection.

Donors of food to nonprofit organizations that distribute food to needy individuals are generally protected from civil or criminal liability under state law. Similarly, persons who allow the collection or harvest of food for distribution to needy individuals are generally protected from civil or criminal liability.

#### Waste Reduction, Recycling, and Litter Control.

The Waste Reduction, Recycling, and Litter Control Act (Act), dating to 1971, prohibits littering and establishes statewide programs to prevent and clean up litter, reduce waste, and

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increase recycling. These programs are funded by the 0.015 percent litter tax on manufacturers', wholesalers', and retailers' gross proceeds on 13 categories of consumer products.

The programs funded by the litter tax under the Act include litter collection efforts by state agencies including the ECY, and state assistance of local government waste reduction, composting, and recycling programs. Fifty percent of money in the Waste Reduction, Recycling, and Litter Control Account (Account) created to carry out the Act is directed towards state litter collection efforts, 30 percent goes to the ECY to carry out its waste reduction, recycling, litter control, and composting coordination, promotion, and technical assistance activities, and 20 percent is allocated to the ECY to fund local government waste reduction, recycling, litter control, and composting activities.

#### Other State Programs.

The Washington State Board of Health (Board) establishes, by rule, minimum standards for the prevention of food-borne illness. The Board's rules are based on the 2001 Food Code, which is a model code adopted by the United States Food and Drug Administration. Local jurisdictions may adopt more stringent standards than the ones adopted by the Board.

The Washington State Department of Agriculture (WSDA) Food Safety Program helps regulate the safety of Washington's food supply by inspecting food processing and storage facilities and their practices, managing several food processing licenses, providing technical assistance, and investigating consumer complaints and food-related emergencies. The WSDA also administers food assistance programs that support food banks, food pantries, meal programs, and tribes by providing food to low-income families.

#### **Summary:**

##### Wasted Food and Food Waste Goal.

A goal is established for Washington to reduce the annual generation of food waste by 50 percent by 2030. A subset of the goal includes a prevention goal related to edible food waste. Food waste is defined as waste that results from the storage, preparation, cooking, handling, selling, or serving of food for human consumption, while wasted food is defined as the edible portion of food waste.

The state food waste reduction goal is to be measured against 2015 food waste levels, which the Department of Ecology (ECY) may estimate using any combination of solid waste data reported to the ECY and data from voluntary surveys.

##### Wasted Food and Food Waste Diversion Plan.

In order to achieve the 2030 food waste reduction goal, the ECY must consult with the Department of Agriculture (WSDA) and the Department of Health (DOH) to adopt a wasted food reduction and food waste diversion plan (Plan) by October 1, 2020.

The Plan must include, in descending order of priority, strategies to:

- reduce wasted edible food;
- match and support the capacity for otherwise wasted edible food with food banks and other distributors to those who need it; and

- support other productive uses, such as animal feed, energy production, commercial uses, and compost.

The Plan must be designed to recommend a regulatory environment that optimizes the rescue of edible food and a stable, predictable funding environment that allows for capacity expansion and new technologies. The Plan must also be designed to satisfy other specified outcomes, and must include suggested best practices that local governments have the option of incorporating into their solid waste management plans.

Stakeholders and the public must be consulted throughout the development of the Plan, and the ECY may designate a stakeholder advisory panel. If the ECY designates a stakeholder advisory panel, the panel must include representatives of local solid waste and health departments, food businesses or associations, Kindergarten through Twelfth grade public education, and food banks and food and waste-focused nonprofit organizations. Alongside the Plan, the ECY may recommend changes to state law that would help achieve the 2030 goals, and must explain any such recommendations in a report to the Legislature due on December 1, 2020. Prior to implementing the Plan, for any activities, policies, or programs in the plan that would impose new obligations on state agencies, local governments, or private entities, the report must include the appropriate agency's plan for statutory or administrative. The ECY, in submitting the Plan, must identify the sources of information that it relied upon, including peer-reviewed science.

To support the development of the Plan, the Department of Commerce must contract for an independent evaluation of the state's food waste and wasted food management systems.

Wasted Food and Food Waste Programs and Funding.

Programs that collect food waste, in addition to yard waste, are identified as source separation strategies that may be implemented by cities and counties in their solid waste collection plans.

Among the waste reduction strategies that a city or county may include in their local solid waste plan are the food waste and wasted food reduction strategies from the Plan.

Wasted food reduction and food waste diversion are among the local government programs eligible to be funded from the Waste Reduction, Recycling, and Litter Control Account (Account) used to carry out the Waste Reduction, Recycling, and Litter Control Act's purposes. Wasted food reduction and food waste diversion are also added to the ECY's waste reduction, recycling, and litter control program responsibilities funded by the Account.

**Votes on Final Passage:**

House	96	0	
Senate	45	0	(Senate amended)
House	95	0	(House concurred)

**Effective:** July 28, 2019