

HOUSE BILL REPORT

HB 1632

As Reported by House Committee On:
Environment & Energy

Title: An act relating to reducing pollution from single-use plastic food service ware.

Brief Description: Reducing pollution from single-use plastic food service ware.

Sponsors: Representatives Gregerson, Doglio, Peterson, Mead, Tarleton, Macri, Valdez, Fey, Kloba, Pollet and Bergquist.

Brief History:

Committee Activity:

Environment & Energy: 2/5/19, 2/19/19 [DPS].

Brief Summary of Substitute Bill

- Requires food service businesses to provide plastic utensils, straws, and condiment packaging to customers only upon request by a customer.
- Preempts local ordinances that require customers to request plastic food service products from food service businesses or other retail establishments.

HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 7 members: Representatives Fitzgibbon, Chair; Lekanoff, Vice Chair; Doglio, Fey, Mead, Peterson and Shewmake.

Minority Report: Do not pass. Signed by 3 members: Representatives Shea, Ranking Minority Member; Dye, Assistant Ranking Minority Member; Boehnke.

Minority Report: Without recommendation. Signed by 1 member: Representative DeBolt.

Staff: Jacob Lipson (786-7196).

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A number of municipalities in Washington have adopted ordinances addressing certain plastic products used in the provision or consumption of food, including plastic utensils, straws, and containers.

Under the state's solid waste management laws, local governments are the primary government entity responsible for implementing state solid waste management requirements. County and city comprehensive solid waste management plans must contain certain elements, including a waste reduction and recycling element.

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, which is punishable by penalties of up to \$50. Employees of the Department of Ecology and other state agencies with police powers have the authority to enforce litter laws, as do most local police departments, sheriff's offices, and health departments.

Summary of Substitute Bill:

Plastic food service products are defined as products intended for one-time use and used for food or drink offered for service. Plastic food service products include containers, utensils, straws, plates, clamshells, and lids.

Beginning January 1, 2020, food service businesses at which opportunity is provided for on-site food consumption may only provide plastic utensils, straws, and condiment packaging to customers upon request. Food service businesses that do not provide opportunity for on-site food consumption may only provide plastic utensils, straws, and condiment packaging after asking if a customer would like the product, and the customer responds affirmatively. Food service businesses may make utensils, straws, and condiments available to customers in bins or other containers. Plastic utensils may not be bundled or packaged in plastic so as to require multiple utensils to be obtained at once.

Violations of these requirements are deemed to be littering of an amount less than or equal to 1 cubic foot, and are class 3 civil infractions enforceable upon the retail establishment.

Local governments are preempted from enacting ordinances that require plastic food service products to be requested from a food service business or other retail establishment.

Substitute Bill Compared to Original Bill:

As compared to the original House bill, the substitute bill:

- eliminates restrictions on plastic food service products beginning in 2030 for retail establishments and in 2040 for food service businesses;
- delays the effective date from October 1, 2019, to January 1, 2020, for the requirement that food service businesses provide plastic utensils, straws, and condiment packaging to customers only upon customer request and makes violations of this requirement subject to class 3 civil infraction penalties for littering;

- eliminates the 2030 expiration date for the requirement that food service businesses provide plastic utensils, straws, and condiment packaging to customers only upon customer request;
 - amends the preemption of local food service ordinances addressing plastic food service products so that it only prohibits new ordinances that require a customer to request plastic food service products;
 - recodifies the bill into RCW 70.93, the Waste Reduction, Recycling, and Litter Control Act;
 - amends the intent section; and
 - makes technical changes.
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Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 22, 2019.

Effective Date of Substitute Bill: The bill takes effect on January 1, 2020.

Staff Summary of Public Testimony:

(In support) Cities and other nations have banned single-use plastic utensils and similar products. There are at least eight local ordinances in Washington addressing single-use plastic food products. The bill should establish earlier preemption of single-use plastic food service product ordinances. Plastics break down into small particles in the marine environment and never fully biodegrade. State land managers spend money each year cleaning up plastic litter from the marine environment. Plastic products also contaminate commercial compost. Generous timelines for the phase-out of single-use plastic products will allow composting infrastructure to be put in place to sustainably manage single-use plastic product alternatives. Many businesses have already transitioned to using only compostable food service products. Acceptable replacement products have not yet been developed for plastic food products that have translucent lids. Straws should be available to individuals with disabilities. Providing plastic straws, condiments and utensils to customers only when they ask for them will reduce waste. The policy requiring customers to ask for straws and utensils should have a January 1, 2020, effective date to give time to educate restaurants about the new requirements.

(Opposed) Plastic food service product businesses have been innovating to improve recycling and reduce the impacts of their packaging. Styrene products like meat trays and egg cartons should be exempt from restrictions. Many products subject to the ban, as written, are not frequent components of litter or marine pollution. Manufacturers are committed to ending plastic waste. The bill should consider both economic and environmental tradeoffs associated with such a broad ban. All types of packaging have environmental impacts, and banning plastic will lead to increased water and energy use, and higher greenhouse gas emissions.

(Other) Businesses have mixed feelings about restrictions on plastic food service products. A common state standard reduces costs to businesses. Restrictions on single-use plastic could impact small businesses and put them at a competitive disadvantage.

Persons Testifying: (In support) Representative Gregerson, prime sponsor; Nora Nickum, Seattle Aquarium; Heather Trim, Zero Waste Washington; Katrina Lassiter, Department of Natural Resources; Samantha Louderback, Washington Hospitality Association; Susan Thoman, Compost Manufacturing Alliance; and Holly Chisa, Northwest Grocery Association.

(Opposed) Tom McBride, Dart Container; Tim Shestek, American Chemistry Council; and Steve Gano, Tekni-Plex.

(Other) Peter Godlewski, Association of Washington Business.

Persons Signed In To Testify But Not Testifying: None.