**5022-S2.E AMH FITZ H1514.2 - NOT FOR FLOOR USE**

**E2SSB 5022** - H AMD TO APP COMM AMD (H-1491.1/21) **638**

By Representative Fitzgibbon

**ADOPTED 04/07/2021**

On page 6, line 37, after "April 1," strike "2027" and insert "2029"

On page 10, line 4, after "subsection" insert "or to temporarily exclude covered products from minimum postconsumer recycled content requirements under subsection (8) of this section"

On page 10, line 6, after "(8)" insert "The department must temporarily exclude from minimum postconsumer recycled content requirements for the upcoming year any types of covered products in plastic containers for which a producer annually demonstrates to the department by December 31st of a given year that the achievement of postconsumer recycled content requirements in the container material is not technically feasible in order to comply with health or safety requirements of federal law, including the federal laws specified in subsection (7)(b)(v) of this section. A producer must continue to register and report consistent with the requirements of this chapter for covered products temporarily excluded from minimum postconsumer recycled content requirements under this subsection.

(9)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 13, line 7, after "(4)" insert "For the purposes of determining compliance with the postconsumer recycled content requirements of this chapter, the department may consider the date of manufacture of a covered product or the container of a covered product.

(5)"

Renumber the remaining subsections consecutively and correct any internal references accordingly.

On page 16, line 32, after "association;" strike "and"

On page 16, line 34, after "retailer" insert ";

(ee) A representative from a national consumer electronics association; and

(ff) A representative from the personal care products industry"

On page 17, line 14, after "of" insert "expanded polystyrene"

On page 20, line 13, after "and" insert "restrictions on the provision of"

On page 21, after line 19, insert the following:

"(3) This section expires July 1, 2029."

On page 23, line 7, after "covered products" insert "or to temporarily exclude types of covered products in plastic containers from minimum postconsumer recycled content requirements"

On page 24, line 35, after "provision," insert "sections 5 and 6 of this act, which shall be credited to the recycling enhancement account created in section 13 of this act,"

EFFECT: Requires the Department of Ecology to temporarily exclude from minimum postconsumer recycled content requirements any types of plastic containers for which a producer annually demonstrates it is not technically feasible to meet minimum postconsumer recycled content requirements as a result of health or safety requirements in federal law. Authorizes the Department of Ecology to consider the manufacture date of a covered product or covered product container for compliance purposes. Clarifies that restrictions on void-filling packaging products apply only to expanded polystyrene void-filling packaging products. Adds consumer electronics and personal care products representatives to the stakeholder advisory committee. Makes technical corrections.