

**2SHB 2301 - H AMD 968**

By Representative Doglio

**ADOPTED AS AMENDED 02/13/2024**

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

3 **"PART 1**

4 **INTENT**

5 NEW SECTION. **Sec. 101.** INTENT. (1) The legislature finds:

6 (a) Washington is now experiencing the effects of a climate  
7 crisis: Hotter summers with record-breaking temperatures, devastating  
8 fires, drought conditions, and rising sea levels that erode our  
9 coastlines and are causing some communities to move upland;

10 (b) Methane is a potent greenhouse gas and landfills are  
11 documented by the United States environmental protection agency to be  
12 the 3rd largest human-made source, with food, yard waste, and other  
13 plant-based organic material degrading in landfills to methane;

14 (c) Food waste is a major issue in the United States and  
15 globally, that, according to the food and agriculture organization of  
16 the United Nations, unwanted and discarded food squanders resources,  
17 including water, land, energy, labor, and capital, estimated that  
18 one-third of the food produced in the world for human consumption,  
19 about 1,300,000,000 tons, is lost or wasted every year, and the food  
20 loss and waste in industrialized countries equates to a value of  
21 approximately \$680,000,000,000;

22 (d) The Harvard University food law and policy clinic has  
23 estimated that 40 percent of the food supply in the United States is  
24 not eaten and that according to the United States environmental  
25 protection agency and the United States department of agriculture,  
26 food loss and waste is the single largest component of disposed  
27 municipal solid waste in the United States;

28 (e) In 2015, that the administrator of the United States  
29 environmental protection agency and the secretary of the United  
30 States department of agriculture announced a national goal of

1 reducing food waste by 50 percent by the year 2030. In 2019,  
2 Washington established the same goal in RCW 70A.205.715;

3 (f) Compost and other products of organic material management  
4 facilities have beneficial applications and can improve soil health,  
5 water quality, and other environmental outcomes. However, in order  
6 for the products of organic material management facilities to lead to  
7 improved environmental outcomes and for the economics of the  
8 operations of these facilities to pencil out, it is important that  
9 inbound sources of organic material waste are free of plastic  
10 contamination, pesticides, and other materials that will reduce  
11 compost quality; and

12 (g) Farmers, processors, retailers, and food banks in Washington  
13 are leaders in addressing this issue, and in 2022, with the enactment  
14 of chapter 180, Laws of 2022 (Engrossed Second Substitute House Bill  
15 No. 1799), Washington took significant steps towards the improvement  
16 of organic material management systems.

17 (2) It is the legislature's intent to provide additional tools  
18 and financial resources to build on this progress in coming years by:

19 (a) Creating a variety of grant programs to support food waste  
20 reduction, food rescue, and other organic material management system  
21 improvements, including grants to support the implementation of new  
22 policy requirements related to organic material management;

23 (b) Amending solid waste management requirements in support of  
24 improved organic material management outcomes, including through the  
25 statewide standardization of colors and labels for organic,  
26 recycling, and garbage bins, and amending the organic material  
27 management service requirements in local jurisdictions and that apply  
28 to businesses;

29 (c) Making changes to product degradability labeling  
30 requirements;

31 (d) Amending the state building code in support of organic  
32 material management; and

33 (e) Continuing to discuss how to maximize donations of food from  
34 generators of unwanted edible food.

35 (3) It is the legislature's intent for the following management  
36 option preferences to apply to the management of food under this act,  
37 including the provisions of law being amended by this act, in order  
38 of most preferred to least preferred:

39 (a) Prevents wasted food;

40 (b) Donates or upcycles food;

- 1 (c) Feeds animals or leaves food unharvested;
- 2 (d) Composts or anaerobically digests materials with beneficial
- 3 use of the compost, digestate, or biosolids;
- 4 (e) Anaerobically digests materials with the disposal of
- 5 digestate or biosolids, or applies material to the land; and
- 6 (f) Sends materials down the drain, to landfills, or incinerates
- 7 material, with or without accompanying energy recovery.

8 **PART 2**

9 **FUNDING FOR SUSTAINABLE FOOD MANAGEMENT PRIORITIES**

10 NEW SECTION. **Sec. 201.** A new section is added to chapter  
11 70A.207 RCW to read as follows:

12 CENTER FOR SUSTAINABLE FOOD MANAGEMENT GRANTS. (1) The  
13 department, through the center, must develop and administer grant  
14 programs to support activities that reduce emissions from landfills  
15 and waste-to-energy facilities through the diversion of organic  
16 materials and food waste prevention, rescue, and recovery. The  
17 department must seek stakeholder input in the design, criteria, and  
18 logistics associated with each grant program. The department must  
19 allocate grant funding across the eligible categories specified in  
20 subsection (2) of this section in a manner consistent with  
21 legislative appropriations, and that achieves the following  
22 priorities:

- 23 (a) Maximizing greenhouse gas emission reductions;
- 24 (b) Eliminating barriers to the rescue and consumption of edible
- 25 food that would otherwise be wasted;
- 26 (c) Developing stable funding programs for the department to
- 27 administer and stable funding opportunities for potential fund
- 28 recipients to be aware of; and
- 29 (d) Preferences the following management options, in order of
- 30 most preferred to least preferred:
  - 31 (i) Prevents wasted food;
  - 32 (ii) Donates or upcycles food;
  - 33 (iii) Feeds animals or leaves food unharvested;
  - 34 (iv) Composts or anaerobically digests materials with beneficial
  - 35 use of the compost, digestate, or biosolids;
  - 36 (v) Anaerobically digests materials with the disposal of
  - 37 digestate or biosolids, or applies material to the land;

1 (vi) Sends materials down the drain, to landfills, or incinerates  
2 material, with or without accompanying energy recovery.

3 (2) Subject to the availability of amounts appropriated for this  
4 specific purpose, grants under this section may be awarded to the  
5 following categories of activities:

6 (a) Projects to prevent the surplus of unsold, uneaten food from  
7 food businesses or to standardize and improve the operating  
8 procedures associated with food donations, including efforts to  
9 standardize collection bins, provide staff training for food donors  
10 or food rescue organizations, or make other changes to increase the  
11 efficiency or efficacy of food donation procedures. Local  
12 governments, federally recognized Indian tribes and federally  
13 recognized Indian tribal government entities, nonprofit  
14 organizations, and generators of unwanted edible food are eligible  
15 applicants for grants under this subsection. Equipment and  
16 infrastructure purchases, training costs, costs associated with the  
17 development and deployment of operating protocols, and employee staff  
18 time reimbursement are eligible uses of grant funding under this  
19 subsection;

20 (b) (i) Projects to improve and reduce the transportation of  
21 donated foods and management of cold chains across the donated food  
22 supply chain, including through food rescue organizations. Local  
23 governments, federally recognized Indian tribes and federally  
24 recognized Indian tribal government entities, nonprofit  
25 organizations, transporters of unwanted edible food, and generators  
26 of unwanted edible food are eligible applicants for grants under this  
27 subsection. Eligible uses of grant funding under this subsection  
28 include the acquisition of vehicles, cold-storage equipment, real  
29 estate, and technology to support donated food storage and  
30 transportation system improvements.

31 (ii) Grants under this subsection (2) (b) may not be used for the  
32 purchase or lease of equipment that relies on a fuel source other  
33 than electricity or the purchase or lease of vehicles other than  
34 zero-emission vehicles;

35 (c) (i) Grant programs to support the establishment and expansion  
36 of wasted food reduction programs to benefit vulnerable communities.  
37 This grant program must be developed in consultation with the  
38 department of health and food policy stakeholders.

39 (ii) Nonprofit organizations, businesses, associations, federally  
40 recognized Indian tribes and federally recognized Indian tribal

1 government entities, and local governments are eligible to receive  
2 grants under this subsection. Eligible uses of the funds may include  
3 community food hub development projects, cold food storage capacity,  
4 refrigerated transport capacity, convenings to inform innovation in  
5 wasted food reduction in retail and food service establishments, and  
6 pilot projects to reduce wasted food. No more than 20 percent of  
7 funds allocated under this subsection (2)(c) may be awarded to a  
8 single grant recipient; and

9 (d) Food waste tracking and analytics pilot project grants. Local  
10 governments, federally recognized Indian tribes and federally  
11 recognized Indian tribal government entities, nonprofit  
12 organizations, transporters of unwanted edible food, and generators  
13 of unwanted edible food are eligible applicants for grants under this  
14 subsection. Eligible uses of grant funding under this subsection  
15 include staff time and technology to improve food waste prevention or  
16 improve tracking of food donations through the food supply chain and  
17 to provide data useful to enabling more efficient and effective  
18 outcomes for the provision of food available for rescue.

19 (3) The department may establish additional eligibility criteria  
20 or application process requirements beyond those described in  
21 subsection (2) of this section for a category or categories of  
22 activity. The department may, as a condition of the award of a grant  
23 under this section, require the reporting of information to the  
24 department regarding the outcomes of the funded activities.

25 (4) The department may award grants to eligible applicants  
26 meeting the minimum qualifying criteria on a competitive basis, or to  
27 applicants on a noncompetitive basis, or both. Within each category  
28 of activity described in subsection (2) of this section, the  
29 department must prioritize grant applications that benefit  
30 overburdened communities as defined in RCW 70A.02.010 as identified  
31 by the department in accordance with RCW 70A.02.050.

32 NEW SECTION. **Sec. 202.** A new section is added to chapter  
33 70A.207 RCW to read as follows:

34 SUSTAINABLE FOOD MANAGEMENT POLICY IMPLEMENTATION GRANTS. (1) The  
35 department, through the center, must develop and administer grant  
36 programs to support the implementation of the requirements of this  
37 act and chapter 180, Laws of 2022, with priority given to grants that  
38 support the implementation of RCW 70A.205.540 and 70A.205.545.  
39 Eligible recipients of grants under this section may include

1 businesses that are subject to organic material management  
2 requirements, local governments, federally recognized Indian tribes  
3 and federally recognized Indian tribal government entities, nonprofit  
4 organizations, or organic material management facilities. Eligible  
5 expenses by grant recipients include education, outreach, technical  
6 assistance, indoor and outdoor infrastructure, transportation and  
7 processing infrastructure, and enforcement costs.

8 (2) The department may not require, as a condition of financial  
9 assistance under this section, that matching funds be made available  
10 by a local government recipient. The department must provide  
11 assistance to each local government that demonstrates eligibility for  
12 grant assistance under this section.

13 **Sec. 203.** RCW 70A.207.020 and 2022 c 180 s 402 are each amended  
14 to read as follows:

15 CENTER FOR SUSTAINABLE FOOD MANAGEMENT DUTIES. (1) The Washington  
16 center for sustainable food management is established within the  
17 department (~~(, to begin operations by January 1, 2024)~~).

18 (2) The purpose of the center is to help coordinate statewide  
19 food waste reduction.

20 (3) The center may perform the following activities:

21 (a) Coordinate the implementation of the plan;

22 (b) Draft plan updates and measure progress towards actions,  
23 strategies, and the statewide goals established in RCW 70A.205.007  
24 and 70A.205.715(1);

25 (c) Maintain a website with current food waste reduction  
26 information and guidance for food service establishments, consumers,  
27 food processors, hunger relief organizations, and other sources of  
28 food waste;

29 (d) Provide staff support to multistate food waste reduction  
30 initiatives in which the state is participating;

31 (e) Maintain the consistency of the plan and other food waste  
32 reduction activities with the work of the Washington state  
33 conservation commission's food policy forum;

34 (f) Facilitate and coordinate public-private and nonprofit  
35 partnerships focused on food waste reduction, including through  
36 voluntary working groups;

37 (g) Collaborate with federal, state, and local government  
38 partners on food waste reduction initiatives;

1 (h) Develop and maintain maps or lists of locations of the food  
2 systems of Washington that identify food flows, where waste occurs,  
3 and opportunities to prevent food waste;

4 (i)(i) Collect and maintain data on food waste and wasted food in  
5 a manner that is generally consistent with the methods of collecting  
6 and maintaining such data used by federal agencies or in other  
7 jurisdictions, or both, to the greatest extent practicable;

8 (ii) Develop measurement methodologies and tools to uniformly  
9 track food donation data, food waste prevention data, and associated  
10 climate impacts resultant from food waste reduction efforts;

11 (j) Research and develop emerging organic materials and food  
12 waste reduction markets;

13 (k)(i) Develop and maintain statewide food waste reduction and  
14 food waste contamination reduction campaigns, in consultation with  
15 other state agencies and other stakeholders, including the  
16 development of waste prevention and food waste recovery promotional  
17 materials for distribution. These promotional materials may include  
18 online information, newsletters, bulletins, or handouts that inform  
19 food service establishment operators about the protections from civil  
20 and criminal liability under federal law and under RCW 69.80.031 when  
21 donating food; and

22 (ii) Develop guidance to support the distribution of promotional  
23 materials, including distribution by:

24 (A) Local health officers, at no cost to regulated food service  
25 establishments, including as part of normal, routine inspections of  
26 food service establishments; and

27 (B) State agencies, including the department of health and the  
28 department of agriculture, in conjunction with their statutory roles  
29 and responsibilities in regulating, monitoring, and supporting safe  
30 food supply chains and systems;

31 (l) Distribute and monitor grants dedicated to food waste  
32 prevention, rescue, and recovery, which must include the programs  
33 described in sections 201 and 202 of this act; (~~and~~)

34 (m) Provide staff support to the work group created in section  
35 702 of this act; and

36 (n) Research and provide education, outreach, and technical  
37 assistance to local governments in support of the adoption of solid  
38 waste ordinances or policies that establish a financial disincentive  
39 for the generation of organic waste and for the ultimate disposal of  
40 organic materials in landfills.

1 (4) The department may enter into an interagency agreement with  
2 the department of health, the department of agriculture, or other  
3 state agencies as necessary to fulfill the responsibilities of the  
4 center.

5 (5) The department may adopt any rules necessary to implement  
6 this chapter including, but not limited to, measures for the center's  
7 performance.

8 NEW SECTION. **Sec. 204.** A new section is added to chapter 43.23  
9 RCW to read as follows:

10 WASHINGTON COMMODITIES DONATION GRANT PROGRAM. (1) The department  
11 must implement the Washington commodities donation grant program  
12 established in this section. The purpose of the program is to procure  
13 Washington grown produce, grains, and protein otherwise at risk of  
14 ending up as food waste for distribution to hunger relief  
15 organizations for use in Washington state.

16 (2) The program established in this section must, to the extent  
17 practicable:

18 (a) Rely upon existing infrastructure and similar grant programs  
19 currently being implemented in Washington, in order to maximize the  
20 beneficial impacts of the program in the short-term, and to  
21 expeditiously enable the distribution of grants under this section;

22 (b) Be designed to achieve efficiencies of scale by the grant  
23 recipients carrying out food acquisitions and distributions and to  
24 target large volume food acquisition opportunities;

25 (c) Give priority to recipient organizations that have at least  
26 five years of experience coordinating the collection and  
27 transportation of donated agricultural products to food bank  
28 distributors, food bank distribution centers, or both, for  
29 redistribution to local hunger relief agencies; and

30 (d) Provide for equitable benefits experienced from the program  
31 by food producers of varying sizes and types, including minority and  
32 vulnerable farmers, including veterans, women, and federally  
33 recognized Indian tribes.

34 (3) The department must issue grants under this section to one or  
35 more nonprofit organizations to acquire food directly from food  
36 producers located in Washington. A recipient nonprofit organization  
37 may use funds under this section to compensate food producers  
38 donating commodities for pick and pack out costs incurred associated  
39 with the production of a food product, including costs of food



1 product inputs and harvest, and for their marginal postharvest  
2 logistical and administrative costs that facilitate the acquisition  
3 and distribution of the food product by grant recipients.

4 (4) An organization that receives funds under this section must  
5 report the results of the project to the department in a manner  
6 prescribed by the department.

7 (5) It is the intent of the legislature to consistently and  
8 sustainably allocate at least \$25,000,000 per biennium, continuing  
9 over multiple biennia, to the program established in this section.

10 **Sec. 205.** RCW 70A.214.100 and 2008 c 178 s 1 are each amended to  
11 read as follows:

12 WASTE NOT WASHINGTON AWARDS. (1) The office of waste reduction  
13 shall develop, in consultation with the superintendent of public  
14 instruction, an awards program to achieve waste reduction and  
15 recycling in public schools, and to encourage waste reduction and  
16 recycling in private schools, grades kindergarten through high  
17 school. The office shall develop guidelines for program development  
18 and implementation. Each public school shall, and each private school  
19 may, implement a waste reduction and recycling program conforming to  
20 guidelines developed by the office.

21 (2) For the purpose of granting awards, the office may group all  
22 participating schools into not more than three classes, based upon  
23 student population, distance to markets for recyclable materials, and  
24 other criteria, as deemed appropriate by the office. Except as  
25 otherwise provided, five or more awards may be granted to each of the  
26 three classes. Each award shall be no more than ~~((five thousand  
27 dollars))~~ \$5,000 until 2026, and no more than \$10,000 beginning  
28 January 1, 2026. Awards shall be granted each year to the schools  
29 that achieve the greatest levels of waste reduction and recycling. A  
30 single award of not less than ~~((five thousand dollars))~~ \$5,000 until  
31 2026 or \$10,000 beginning in 2026 may be presented to the school  
32 having the best recycling program as measured by the total amount of  
33 materials recycled, including materials generated outside of the  
34 school. A single award of not less than ~~((five thousand dollars))~~  
35 \$5,000 until 2026 or \$10,000 beginning in 2026 may be presented to  
36 the school having the best waste reduction program as determined by  
37 the office. It is the intent of the legislature to consistently and  
38 sustainably allocate at least \$1,000,000 per biennium, continuing

1 over multiple biennia and starting in calendar year 2026, to the  
2 awards program established in this section.

3 (3) The superintendent of public instruction shall distribute  
4 guidelines and other materials developed by the office to implement  
5 programs to reduce and recycle waste generated in administrative  
6 offices, classrooms, laboratories, cafeterias, and maintenance  
7 operations.

8 **PART 3**

9 **AMENDMENTS TO SOLID WASTE LAWS**

10 **Sec. 301.** RCW 70A.205.540 and 2022 c 180 s 102 are each amended  
11 to read as follows:

12 MANDATED ORGANICS MANAGEMENT. (1) (~~Beginning January 1, 2027,~~  
13 ~~in~~) Except as provided in subsection (3) of this section, in each  
14 jurisdiction that implements a local solid waste plan under RCW  
15 70A.205.040:

16 (a) (~~Source-separated~~) Beginning April 1, 2027, source-  
17 separated organic solid waste collection services ((must)) are  
18 required to be provided ((at least every other week or at least 26  
19 weeks annually)) year-round to:

20 (i) All residents; and

21 (ii) Nonresidential customers that generate more than .25 cubic  
22 yards per week of organic materials for management; (~~and~~)

23 (b) (i) The department may, by waiver, reduce the collection  
24 frequency requirements in (a) of this subsection for the collection  
25 of dehydrated food waste or to address food waste managed through  
26 other circumstances or technologies that will reduce the volume or  
27 odor, or both, of collected food waste.

28 (ii) All organic solid waste collected from residents and  
29 businesses under ((a) of) this subsection must be managed through  
30 organic materials management;

31 (c) Beginning April 1, 2030, the source-separated organic solid  
32 waste collection services specified in (a) of this subsection must be  
33 provided to customers on a nonelective basis, except that a  
34 jurisdiction may grant an exemption to a customer that certifies to  
35 the jurisdiction that the customer is managing organic material waste  
36 on-site or self-hauling its own organic material waste for organic  
37 materials management;

1 (d) Beginning April 1, 2030, each jurisdiction's source-separated  
2 organic solid waste collection service must include the acceptance of  
3 food waste year-round. The jurisdiction may choose to collect food  
4 waste source-separated from other organic materials or may collect  
5 food waste commingled with other organic materials; and

6 (e) Beginning April 1, 2030, all persons, when using curbside  
7 collection for disposal, may use only source-separated organic solid  
8 waste collection services to discard unwanted organic materials. By  
9 January 1, 2027, the department must adopt standards under which  
10 local jurisdictions may exempt persons from this requirement if  
11 organic materials will be managed through an alternative mechanism  
12 that provides equal or better environmental outcomes. Nothing in this  
13 section precludes the ability of a person to use on-site composting,  
14 the diversion of organic materials to animal feed, self-haul organic  
15 materials to a facility, or other means of beneficially managing  
16 unwanted organic materials.

17 (2) A jurisdiction may charge and collect fees or rates for the  
18 services provided under subsection (1) of this section, consistent  
19 with the jurisdiction's authority to impose fees and rates under  
20 chapters 35.21, 35A.21, 36.58, and 36.58A RCW.

21 (3) (a) Except as provided in (d) of this subsection, the  
22 requirements of this section do not apply in a jurisdiction if the  
23 department determines that the following apply:

24 (i) The jurisdiction disposed of less than 5,000 tons of solid  
25 waste in the most recent year for which data is available; or

26 (ii) The jurisdiction has a total population of less than 25,000  
27 people (~~or~~

28 ~~(iii) The jurisdiction has a total population between 25,000 and~~  
29 ~~50,000 people and curbside organic solid waste collection services~~  
30 ~~are not offered in any area within the jurisdiction, as of July 1,~~  
31 ~~2022)).~~

32 (b) The requirements of this section do not apply:

33 (i) In census tracts that have a population density of less than  
34 75 people per square mile that are serviced by the jurisdiction and  
35 located in unincorporated portions of a county, as determined by the  
36 department, in counties not planning under chapter 36.70A RCW;  
37 ((and))

38 (ii) In census tracts that have a population density of greater  
39 than 75 people per square mile, where the census tract includes  
40 jurisdictions that meet any of the conditions in (a) (i) and (ii) of

1 this subsection, that are serviced by the jurisdiction and located in  
2 unincorporated portions of a county, as determined by the department,  
3 in counties not planning under chapter 36.70A RCW;

4 (iii) Outside of urban growth areas designated pursuant to RCW  
5 36.70A.110 in unincorporated portions of a county planning under  
6 chapter 36.70A RCW;

7 (iv) Inside of unincorporated urban growth areas for  
8 jurisdictions planning under chapter 36.70A RCW that meet any of the  
9 conditions in (a) (i) and (ii) of this subsection; and

10 (v) In unincorporated urban growth areas in counties with an  
11 unincorporated population of less than 25,000 people.

12 (c) In addition to the exemptions in (a) and (b) of this  
13 subsection, the department may issue a renewable waiver to  
14 jurisdictions or portions of a jurisdiction under this subsection for  
15 up to five years, based on consideration of factors including the  
16 distance to organic materials management facilities, the sufficiency  
17 of the capacity to manage organic materials at facilities to which  
18 organic materials could feasibly and economically be delivered from  
19 the jurisdiction, and restrictions in the transport of organic  
20 materials under chapter 17.24 RCW. The department may adopt rules to  
21 specify the type of information that a waiver applicant must submit  
22 to the department and to specify the department's process for  
23 reviewing and approving waiver applications.

24 (d) Beginning January 1, 2030, the department may adopt a rule to  
25 require that the provisions of this section apply in the  
26 jurisdictions identified in (b) and (c) of this subsection, but only  
27 if the department determines that the goals established in RCW  
28 70A.205.007(1) have not or will not be achieved.

29 (4) Any city that newly begins implementing an independent solid  
30 waste plan under RCW 70A.205.040 after July 1, 2022, must meet the  
31 requirements of subsection (1) of this section.

32 (5) Nothing in this section affects the authority or duties of  
33 the department of agriculture related to pest and noxious weed  
34 control and quarantine measures under chapter 17.24 RCW.

35 (6) No penalty may be assessed on an individual or resident for  
36 the improper disposal of organic materials under subsection (1) of  
37 this section in a noncommercial or residential setting.

38 **Sec. 302.** RCW 70A.205.545 and 2022 c 180 s 201 are each amended  
39 to read as follows:

1 BUSINESS DIVERSION. (1) (a) Beginning July 1, 2023, and each July  
2 1st thereafter, the department must determine which counties and any  
3 cities preparing independent solid waste management plans:

4 (i) Provide for businesses to be serviced by providers that  
5 collect food waste and organic material waste for delivery to solid  
6 waste facilities that provide for the organic materials management of  
7 organic material waste and food waste; and

8 (ii) Are serviced by solid waste facilities that provide for the  
9 organic materials management of organic material waste and food waste  
10 and have year-round capacity to process and are willing to accept  
11 increased volumes of organic materials deliveries.

12 (b) (i) The department must determine and designate that the  
13 restrictions of this section apply to businesses in a jurisdiction  
14 unless the department determines that the businesses in some or all  
15 portions of the city or county have:

16 (A) No available businesses that collect and deliver organic  
17 materials to solid waste facilities that provide for the organic  
18 materials management of organic material waste and food waste; or

19 (B) No available capacity at the solid waste facilities to which  
20 businesses that collect and deliver organic materials could feasibly  
21 and economically deliver organic materials from the jurisdiction.

22 (ii) (A) In the event that a county or city provides a written  
23 ~~((notification))~~ request and supporting evidence to the department  
24 ~~((indicating))~~ determining that the criteria of (b) (i) (A) of this  
25 subsection are met, and the department confirms this determination,  
26 then the restrictions of this section apply only in those portions of  
27 the jurisdiction that have available service-providing businesses.

28 (B) In the event that a county or city provides a written  
29 ~~((notification))~~ request and supporting evidence to the department  
30 ~~((indicating))~~ determining that the criteria of (b) (i) (B) of this  
31 subsection are met, and the department confirms this determination,  
32 then the restrictions of this section do not apply to the  
33 jurisdiction.

34 (c) The department must make the result of the annual  
35 determinations required under this section available on its website.

36 (d) The requirements of this section may be enforced by  
37 jurisdictional health departments consistent with this chapter,  
38 except that:

39 (i) A jurisdictional health department may not charge a fee to  
40 permit holders to cover the costs of the jurisdictional health

1 department's administration or enforcement of the requirements of  
2 this section; and

3 (ii) Prior to issuing a penalty under this section, a  
4 jurisdictional health department must provide at least two written  
5 notices of noncompliance with the requirements of this section to the  
6 owner or operator of a business subject to the requirements of this  
7 section.

8 (2) (a) (i) Beginning January 1, 2024, a business that generates at  
9 least eight cubic yards of organic material waste per week must  
10 arrange for organic materials management services specifically for  
11 organic material waste;

12 (ii) Beginning January 1, 2025, a business that generates at  
13 least four cubic yards of organic material waste per week must  
14 arrange for organic materials management services specifically for  
15 organic material waste; and

16 (iii) Beginning January 1, 2026, a business that generates at  
17 least ~~((four cubic yards of solid))~~ 96 gallons of organic material  
18 waste per week shall arrange for organic materials management  
19 services specifically for organic material waste, unless the  
20 department determines, by rule, that additional reductions in the  
21 landfilling of organic materials would be more appropriately and  
22 effectively achieved, at reasonable cost to regulated businesses,  
23 through the establishment of a different volumetric threshold of  
24 ~~((solid waste or))~~ organic waste material ~~((waste))~~ than the  
25 threshold of ~~((four cubic yards of solid))~~ 96 gallons of organic  
26 material waste per week.

27 (b) The following wastes do not count for purposes of determining  
28 waste volumes in (a) of this subsection:

29 (i) Wastes that are managed on-site by the generating business;

30 (ii) Wastes generated from the growth and harvest of food or  
31 fiber that are managed off-site by another business engaged in the  
32 growth and harvest of food or fiber;

33 (iii) Wastes that are managed by a business that enters into a  
34 voluntary agreement to sell or donate organic materials to another  
35 business for off-site use; ~~((and))~~

36 (iv) Wastes generated in exceptional volumes as a result of a  
37 natural disaster or other infrequent and unpreventable event; and

38 (v) Wastes generated as a result of a food safety event, such as  
39 a product recall, that is due to foreign material or adverse

1 biological activity that requires landfill destruction rather than  
2 organic material management.

3 (3) A business may fulfill the requirements of this section by:

4 (a) Source separating organic material waste from other waste,  
5 subscribing to a service that includes organic material waste  
6 collection and organic materials management, and using such a service  
7 for organic material waste generated by the business;

8 (b) Managing its organic material waste on-site or self-hauling  
9 its own organic material waste for organic materials management;

10 (c) Qualifying for exclusion from the requirements of this  
11 section consistent with subsection (1)(b) of this section; or

12 (d) For a business engaged in the growth, harvest, or processing  
13 of food or fiber, entering into a voluntary agreement to sell or  
14 donate organic materials to another business for off-site use.

15 (4)(a) A business generating organic material waste shall arrange  
16 for any services required by this section in a manner that is  
17 consistent with state and local laws and requirements applicable to  
18 the collection, handling, or recycling of solid and organic material  
19 waste.

20 (b) Nothing in this section requires a business to dispose of  
21 materials in a manner that conflicts with federal or state public  
22 health or safety requirements. Nothing in this section requires  
23 businesses to dispose of wastes generated in exceptional volumes as a  
24 result of a natural disaster or other infrequent and unpreventable  
25 event through the options established in subsection (3) of this  
26 section. Nothing in this section prohibits a business from disposing  
27 of nonfood organic materials that are not commingled with food waste  
28 by using the services of an organic materials management facility  
29 that does not accept food waste.

30 (5) When arranging for gardening or landscaping services, the  
31 contract or work agreement between a business subject to this section  
32 and a gardening or landscaping service must require that the organic  
33 material waste generated by those services be managed in compliance  
34 with this chapter.

35 (6)(a) This section does not limit the authority of a local  
36 governmental agency to adopt, implement, or enforce a local organic  
37 material waste recycling requirement, or a condition imposed upon a  
38 self-hauler, that is more stringent or comprehensive than the  
39 requirements of this chapter.

1 (b) This section does not modify, limit, or abrogate in any  
2 manner any of the following:

3 (i) A franchise granted or extended by a city, county, city and  
4 county, or other local governmental agency;

5 (ii) A contract, license, certificate, or permit to collect solid  
6 waste previously granted or extended by a city, county, city and  
7 county, or other local governmental agency;

8 (iii) The right of a business to sell or donate its organic  
9 materials; and

10 (iv) A certificate of convenience and necessity issued to a solid  
11 waste collection company under chapter 81.77 RCW.

12 (c) Nothing in this section modifies, limits, or abrogates the  
13 authority of a local jurisdiction with respect to land use, zoning,  
14 or facility siting decisions by or within that local jurisdiction.

15 (d) Nothing in this section changes or limits the authority of  
16 the Washington utilities and transportation commission to regulate  
17 collection of solid waste, including curbside collection of  
18 residential recyclable materials, nor does this section change or  
19 limit the authority of a city or town to provide the service itself  
20 or by contract under RCW 81.77.020.

21 (7) The definitions in this subsection apply throughout this  
22 section unless the context clearly indicates otherwise.

23 (a) (i) "Business" means a commercial or public entity including,  
24 but not limited to, a firm, partnership, proprietorship, joint stock  
25 company, corporation, or association that is organized as a for-  
26 profit or nonprofit entity.

27 (ii) "Business" does not include a multifamily residential  
28 entity.

29 (b) "Food waste" has the same meaning as defined in RCW  
30 70A.205.715.

31 NEW SECTION. **Sec. 303.** A new section is added to chapter  
32 70A.205 RCW to read as follows:

33 BIN COLORS. (1) Except as provided in (a) and (b) of this  
34 subsection, the requirements of this section apply to containers  
35 purchased on or after July 1, 2026.

36 (a) A jurisdiction or solid waste collection company is not  
37 required to replace functional containers with a volume of less than  
38 one cubic yard or a plastic container of any size, including  
39 containers purchased prior to July 1, 2026, that do not comply with



1 the color requirements of this section prior to the end of the useful  
2 life of those containers or prior to January 1, 2036, whichever comes  
3 first.

4 (b) A jurisdiction or solid waste collection company is not  
5 required to replace functional nonplastic containers with a volume of  
6 at least one cubic yard that existed and were in service as of July  
7 1, 2026. However, a functional nonplastic container that existed as  
8 of July 1, 2026, must be repainted in a manner that matches the  
9 appropriate color requirements of this section on the earlier of:

10 (i) When it is next repainted; or

11 (ii) (A) By January 1, 2030, for collection containers owned by a  
12 person other than a jurisdiction that undertakes solid waste  
13 collection; or

14 (B) At the end of the useful life of the container owned by a  
15 jurisdiction that undertakes solid waste collection, or upon the  
16 distribution of sufficient funds under section 202 of this act to the  
17 jurisdiction to cover applicable container repainting costs of the  
18 jurisdiction.

19 (2) In each jurisdiction planning under this chapter, indoor or  
20 outdoor containers provided for collection services, including  
21 multifamily, commercial, government and other public places,  
22 institutional, and curbside residential collection services must be  
23 provided in a color-coded manner consistent with the requirements of  
24 this section in order to reduce contamination:

25 (a) (i) In a jurisdiction where source-separated recyclable  
26 materials and source-separated organic materials are collected  
27 separately, a gray or black container may be used only for the  
28 collection of solid waste that is not a source-separated recyclable  
29 material or a source-separated organic material;

30 (ii) In a jurisdiction where source-separated recyclable  
31 materials or organic materials are not collected separately, a gray  
32 or black container may be used for any solid waste, including organic  
33 material or recyclable material that is not separately collected in  
34 the jurisdiction.

35 (b) A blue container may be used only for source-separated  
36 recyclable materials. The contents of the blue container must be  
37 transported to a facility that recovered the materials designated for  
38 collection in the blue container.

1 (c) A green or brown container may be used only for source-  
2 separated organic materials and must be transported, directly or  
3 indirectly, to an organic materials management facility.

4 (d) A color other than green, brown, blue, black, or gray may be  
5 used only in accordance with any rules adopted by the department.

6 (e) By rule, the department may determine the appropriate  
7 container or containers to be used for materials that could  
8 conceivably be placed in multiple containers specified in (a) through  
9 (d) of this subsection.

10 (f) The color-coding requirements for solid waste collection  
11 containers under this section do not apply to containers with a  
12 volume of at least 10 cubic yards that:

13 (i) Are used on a temporary basis by multiple customers of a  
14 jurisdiction or solid waste collection company; and

15 (ii) Are alternately used for temporary periods for multiple  
16 types of solid waste depending on the specific needs of the customer.

17 (3) By January 1, 2025, all containers for collection services  
18 must bear a clear and conspicuous label on each container or lid  
19 specifying what materials are allowed to be placed in each container.  
20 The requirements of this subsection may be satisfied by:

21 (a) A label placed on a container that includes either language  
22 or graphic images, or both, that indicate the primary materials  
23 accepted and the primary materials prohibited in that container; or

24 (b) Imprinted text or graphic images that indicate the primary  
25 materials accepted and the primary materials prohibited in that  
26 container.

27 (4) The department may provide model labeling text and graphic  
28 images for optional use by local governments and solid waste  
29 collection companies that meets the requirements of this section.

30 (5) A jurisdiction or solid waste collection company may comply  
31 with the requirements of this section by providing a container or  
32 containers that are split or divided into segregated sections,  
33 instead of an entire container, as long as the lids of the separate  
34 sections of a split container comply with the container color  
35 requirements and material limitations specified in this section.

36 (6) Carpets, noncompostable paper, and hazardous wood waste may  
37 not be collected in a green or brown container. Hazardous wood waste  
38 may not be collected in a blue container. The department may adopt  
39 rules to prohibit additional waste stream contaminants from being  
40 placed in a green or brown container or a blue container.

1 (7) The definitions in this subsection apply throughout this  
2 section unless the context clearly requires otherwise.

3 (a) (i) "Blue container" means:

4 (A) A container with a volume of less than one cubic yard where  
5 the body of the container is blue in color and the lid is blue in  
6 color; and

7 (B) A container with a volume of at least one cubic yard where  
8 the body of the container is blue in color and the lid is blue or  
9 black in color.

10 (ii) Hardware, such as hinges and wheels on a blue container, may  
11 be any color.

12 (iii) Unless a local government implementing a solid waste plan  
13 under this chapter requires uniform blue painting of the entire  
14 container, the body of a blue container may contain an area, on one  
15 side of the container, composed of any color measuring no more than  
16 two feet by two feet to display any combination of the name, logo, or  
17 branding of the container owner, solid waste collection company, or  
18 government entity associated with the container.

19 (b) (i) "Green or brown container" means:

20 (A) A container with a volume of less than one cubic yard where  
21 the body of the container is green or brown in color and the lid is  
22 green or brown in color; and

23 (B) A container with a volume of at least one cubic yard where  
24 the body of the container is green or brown in color and the lid is  
25 green, brown, or black in color.

26 (ii) Hardware, such as hinges and wheels on a green or brown  
27 container, may be any color.

28 (iii) Unless a local government implementing a solid waste plan  
29 under this chapter requires uniform green or brown painting of the  
30 entire container, the body of a green or brown container may contain  
31 an area, on one side of the container, composed of any color  
32 measuring no more than two feet by two feet to display any  
33 combination of the name, logo, or branding of the container owner,  
34 solid waste collection company, or government entity associated with  
35 the container.

36 (c) (i) "Gray or black container" means:

37 (A) A container with a volume of less than one cubic yard where  
38 the body of the container is entirely gray or black in color and the  
39 lid is gray or black in color; and

1 (B) A container with a volume of at least one cubic yard where  
2 the body of the container is gray or black in color and the lid is  
3 gray or black in color.

4 (ii) Hardware, such as hinges and wheels, on a gray or black  
5 container may be any color.

6 (iii) Unless a local government implementing a solid waste plan  
7 under this chapter requires uniform gray or black painting of an  
8 entire container, the body of a gray or black container may contain  
9 an area, on one side of the container, composed of any color  
10 measuring no more than two feet by two feet to display any  
11 combination of the name, logo, or branding of the container owner,  
12 solid waste collection company, or government entity associated with  
13 the container.

14 (iv) A galvanized metal container that is unpainted and gray or  
15 silver in appearance is considered to be a gray container for  
16 purposes of this section.

17 **PART 4**

18 **STATUS ASSESSMENT OF PRODUCE STICKER TECHNOLOGIES**

19 NEW SECTION. **Sec. 401.** STATUS ASSESSMENT OF PRODUCE STICKER  
20 TECHNOLOGIES. (1) The department of ecology, in consultation with  
21 the department of agriculture, must carry out a study and submit a  
22 brief summary report to the legislature by September 1, 2025,  
23 addressing the status of produce sticker technologies, including  
24 produce sticker options that do not contain plastic stickers or  
25 adhesives or that otherwise meet compostability standards.

26 (2) The study required under this section must, at minimum,  
27 compare and consider the following features of produce stickers and  
28 adhesives:

29 (a) Compostability, including toxic or hazardous substance  
30 content;

31 (b) Performance;

32 (c) Printability; and

33 (d) Cost.

34 (3) In carrying out the study, input and information must be  
35 solicited and evaluated from:

36 (a) Produce producers and packers;

37 (b) Sticker and adhesive producers;

- 1 (c) Other states, countries, or subnational jurisdictions that  
2 have adopted standards restricting plastic produce stickers; and  
3 (d) Other technical experts.

4 **PART 5**

5 **PRODUCT DEGRADABILITY RESTRICTIONS**

6 **Sec. 501.** RCW 70A.455.040 and 2022 c 180 s 803 are each amended  
7 to read as follows:

8 FIBER-BASED SUBSTRATES. (1) A product labeled as "compostable"  
9 that is sold, offered for sale, or distributed for use in Washington  
10 by a producer must:

11 (a) Meet ASTM standard specification D6400;

12 (b) Meet ASTM standard specification D6868; or

13 (c) Be comprised only of wood, which includes renewable wood, or  
14 a fiber-based substrate ((only)) that contains:

15 (i) Greater than 99 percent fiber by weight; and

16 (ii) No plastic or polymer wax additives or plastic or wax  
17 coatings or adhesives that do not meet ASTM standard specification  
18 D6868.

19 (2) A product described in subsection (1)(a) or (b) of this  
20 section must:

21 (a) Meet labeling requirements established under the United  
22 States federal trade commission's guides; and

23 (b) Feature labeling that:

24 (i) Meets industry standards for being distinguishable upon quick  
25 inspection in both public sorting areas and in processing facilities;

26 (ii) Uses a logo indicating the product has been certified by a  
27 recognized third-party independent verification body as meeting the  
28 ASTM standard specification;

29 (iii) Displays the word "compostable," where possible, indicating  
30 the product has been tested by a recognized third-party independent  
31 body and meets the ASTM standard specification; and

32 (iv) Uses green, beige, or brown labeling, color striping, or  
33 other green, beige, or brown symbols, colors, tinting, marks, or  
34 design patterns that help differentiate compostable items from  
35 noncompostable items.

36 **Sec. 502.** RCW 70A.455.070 and 2022 c 180 s 806 are each amended  
37 to read as follows:

1 FILM TINTING. (1) A producer of plastic film bags sold, offered  
2 for sale, or distributed for use in Washington that does not meet the  
3 applicable ASTM standard specifications provided in RCW 70A.455.050  
4 is:

5 (a) Prohibited from using tinting, color schemes, labeling, or  
6 terms that are required of products that meet the applicable ASTM  
7 standard specifications under RCW 70A.455.050;

8 (b) Discouraged from using labeling, images, and terms that may  
9 reasonably be anticipated to confuse consumers into believing that  
10 noncompostable products are compostable; and

11 (c) Encouraged to use labeling, images, and terms to help  
12 consumers identify noncompostable bags as either: (i) Suitable for  
13 recycling; or (ii) necessary to dispose as waste.

14 (2) A producer of food service products, or plastic film products  
15 other than plastic film bags subject to subsection (1) of this  
16 section, sold, offered for sale, or distributed for use in Washington  
17 that does not meet the applicable ASTM standard specifications  
18 provided in RCW 70A.455.060 is:

19 (a) Prohibited from using labeling, or terms that are required of  
20 products that meet the applicable ASTM standard specifications under  
21 RCW 70A.455.060;

22 (b) Discouraged from using labeling, images, and terms that may  
23 reasonably be anticipated to confuse consumers into believing that  
24 noncompostable products are compostable; and

25 (c) Encouraged to use tinting, coloration, labeling, images, and  
26 terms to help consumers identify film products and food service  
27 packaging as either: (i) Suitable for recycling; or (ii) necessary to  
28 dispose as waste.

29 (3) For the purposes of this section only:

30 (a) "Tinting" means the addition of color to a film, usually by  
31 means of dye or stain, that filters light and makes the film appear a  
32 certain color; and

33 (b)(i) The prohibition in subsection (1)(a) of this section on  
34 "color schemes" on plastic film bags does not preclude the use of:

35 (A) Green, brown, or beige stripes that are smaller than .25 inch  
36 wide and used as visual aids; and

37 (B) Green, brown, or beige lettering or logos that are used  
38 solely for brand identity purposes.

39 (ii) The prohibition in subsection (1)(a) of this section on  
40 color schemes on plastic film bags does prohibit the use of botanical

1 motifs, such as leaves or vines that are colored green, brown, or  
2 beige, or any combination of these colors or shapes.

3 NEW SECTION. **Sec. 503.** A new section is added to chapter  
4 70A.455 RCW to read as follows:

5 HOME COMPOSTABLE LABELING. A producer may only label a product as  
6 being "home compostable" if:

7 (1) The product has been tested and meets ASTM standards D6400 or  
8 D6868 for industrial composting settings;

9 (2) A third-party certifier has verified that the product meets  
10 ASTM standards for industrial composting;

11 (3) The product is otherwise labeled in a manner consistent with  
12 the requirements of this chapter, including RCW 70A.455.030,  
13 70A.455.040, or 70A.455.050, as appropriate;

14 (4) The product is not labeled "home compostable only" or in a  
15 manner that otherwise implies that the product is not capable of  
16 being composted in industrial compost settings; and

17 (5) The producer has valid and reproducible scientific evidence  
18 to support their claim that a product is home compostable, consistent  
19 with federal trade commission guidelines.

20 **Sec. 504.** RCW 70A.455.090 and 2022 c 180 s 808 are each amended  
21 to read as follows:

22 CONCURRENT ENFORCEMENT OF DEGRADABILITY LABELING REQUIREMENTS BY  
23 CITIES AND COUNTIES. (1)(a) The department and cities and counties  
24 have concurrent authority to enforce this chapter and to issue and  
25 collect civil penalties for a violation of this chapter, subject to  
26 the conditions in this section and RCW 70A.455.100. An enforcing  
27 government entity may impose a civil penalty in the amount of up to  
28 \$2,000 for the first violation of this chapter, up to \$5,000 for the  
29 second violation of this chapter, and up to \$10,000 for the third and  
30 any subsequent violation of this chapter. If a producer has paid a  
31 prior penalty for the same violation to a different government entity  
32 with enforcement authority under this subsection, the penalty imposed  
33 by a government entity is reduced by the amount of the payment.

34 (b) The enforcement of this chapter must be based primarily on  
35 complaints filed with the department and cities and counties. The  
36 department must establish a forum for the filing of complaints.  
37 Cities, counties, or any person may file complaints with the  
38 department using the forum, and cities and counties may review

1 complaints filed with the department via the forum. The forum  
2 established by the department may include a complaint form on the  
3 department's website, a telephone hotline, or a public outreach  
4 strategy relying upon electronic social media to receive complaints  
5 that allege violations. The department, in collaboration with the  
6 cities and counties, must provide education and outreach activities  
7 to inform retail establishments, consumers, and producers about the  
8 requirements of this chapter.

9 (c) A city or county that chooses to enforce the requirements of  
10 this chapter within their jurisdiction must notify the department  
11 with a letter of intent that includes:

12 (i) The start and any end date of the local jurisdiction's  
13 enforcement activities;

14 (ii) The geographic boundaries within which the enforcement  
15 activities are planned; and

16 (iii) Any technical assistance, education, or enforcement tools  
17 that the city or county would like to request from the department in  
18 support of local enforcement activities.

19 (2) Penalties issued by the department are appealable to the  
20 pollution control hearings board established in chapter 43.21B RCW.

21 (3) The remedies provided by this section are not exclusive and  
22 are in addition to the remedies that may be available pursuant to  
23 chapter 19.86 RCW or other consumer protection laws, if applicable.

24 (4) In addition to penalties recovered under this section, the  
25 enforcing city or county may recover reasonable enforcement costs and  
26 attorneys' fees from the liable producer.

## 27 **PART 6**

### 28 **COMPOST PURCHASES**

29 **Sec. 601.** RCW 15.04.420 and 2022 c 180 s 502 are each amended to  
30 read as follows:

31 COMPOST REIMBURSEMENT PROGRAM ELIGIBILITY AMENDMENT. (1)(a)  
32 Subject to the availability of amounts appropriated for this specific  
33 purpose, the department must establish and implement a compost  
34 reimbursement program to reimburse farming operations in the state  
35 for purchasing and using compost products that were not generated by  
36 the farming operation, including transportation, spreading equipment,  
37 labor, fuel, and maintenance costs associated with spreading



1 equipment. The grant reimbursements under the program begin July 1,  
2 2023.

3 (b) For the purposes of this program, "farming operation" means:  
4 A commercial agricultural, silvicultural, or aquacultural facility or  
5 pursuit, including the care and production of livestock and livestock  
6 products, poultry and poultry products, apiary products, and plant  
7 and animal production for nonfood uses; the planting, cultivating,  
8 harvesting, and processing of crops; and the farming or ranching of  
9 any plant or animal species in a controlled salt, brackish, or  
10 freshwater environment.

11 (2) To be eligible to participate in the reimbursement program, a  
12 farming operation must complete an eligibility review with the  
13 department prior to transporting or applying any compost products for  
14 which reimbursement is sought under this section. The purpose of the  
15 review is for the department to ensure that the proposed transport  
16 and application of compost products is consistent with the  
17 department's agricultural pest control rules established under  
18 chapter 17.24 RCW. A farming operation must also verify that it will  
19 allow soil sampling to be conducted by the department upon request  
20 before compost application and until at least 10 years after the last  
21 grant funding is used by the farming operation, as necessary to  
22 establish a baseline of soil quality and carbon storage and for  
23 subsequent department evaluations to assist the department's  
24 reporting requirements under subsection (8) of this section.

25 (3) The department must create a form for eligible farming  
26 operations to apply for cost reimbursement for costs from purchasing  
27 and using compost from facilities with solid waste handling permits  
28 or that are permit exempt, including transportation, equipment,  
29 spreading, and labor costs. Compost must meet the applicable  
30 requirements for compost established by the department of ecology  
31 under chapter 70A.205 RCW. The department must prioritize applicants  
32 who purchase and use compost containing food waste feedstocks, where  
33 it is practicable for the applicant to purchase and use compost  
34 containing food waste feedstocks. All applications for cost  
35 reimbursement must be submitted on the form along with invoices,  
36 receipts, or other documentation acceptable to the department of the  
37 costs of purchasing and using compost products for which the  
38 applicant is requesting reimbursement, as well as a brief description  
39 of what each purchased item will be used for. The department may  
40 request that an applicant provide information to verify the source,

1 size, sale weight, or amount of compost products purchased and the  
2 cost of transportation, equipment, spreading, and labor. The  
3 applicant must also declare that it is not seeking reimbursement for  
4 purchase or labor costs for:

5 (a) Its own compost products; or

6 (b) Compost products that it has transferred, or intends to  
7 transfer, to another individual or entity, whether or not for  
8 compensation.

9 (4) A farming operation may submit only one application per  
10 fiscal year in which the program is in effect for purchases made and  
11 usage costs incurred during the fiscal year that begins on July 1st  
12 and ends on June 30th. Applications for reimbursement must be filed  
13 before the end of the fiscal year in which purchases were made and  
14 usage costs incurred.

15 (5) The department must distribute reimbursement funds, subject  
16 to the following limitations:

17 (a) A farming operation is not eligible to receive reimbursement  
18 if the farming operation's application was not found eligible for  
19 reimbursement by the department under subsection (2) of this section  
20 prior to the transport or use of compost;

21 (b) A farming operation is not eligible to receive reimbursement  
22 for more than 50 percent of the costs it incurs each fiscal year for  
23 the purchase and use of compost products, including transportation,  
24 equipment, spreading, and labor costs;

25 (c) (~~A farming operation is not eligible to receive more than~~  
26 ~~\$10,000 per fiscal year~~) The department must attempt to achieve fair  
27 distribution of reimbursement funding across different farm size  
28 categories, based on acreage categories determined by the department,  
29 and which is not to exceed a maximum of \$20,000 per fiscal year for  
30 the largest farming operation category determined by the department;

31 (d) A farming operation is not eligible to receive reimbursement  
32 for its own compost products or compost products that it has  
33 transferred, or intends to transfer, to another individual or entity,  
34 whether or not for compensation; and

35 (e) A farming operation is not eligible to receive reimbursement  
36 for compost products that were not purchased from a facility with a  
37 solid waste handling permit or a permit-exempt facility.

38 (6) The applicant shall indemnify and hold harmless the state and  
39 its officers, agents, and employees from all claims arising out of or

1 resulting from the compost products purchased that are subject to the  
2 compost reimbursement program under this section.

3 (7) There is established within the department a compost  
4 reimbursement program manager position. The compost reimbursement  
5 program manager must possess knowledge and expertise in the area of  
6 program management necessary to carry out the duties of the position,  
7 which are to:

8 (a) Facilitate the division and distribution of available costs  
9 for reimbursement; and

10 (b) Manage the day-to-day coordination of the compost  
11 reimbursement program.

12 (8) In compliance with RCW 43.01.036, the department must submit  
13 an annual report to the appropriate committees of the legislature by  
14 January 15th of each year of the program in which grants have been  
15 issued or completed. The report must include:

16 (a) The amount of compost for which reimbursement was sought  
17 under the program;

18 (b) The qualitative or quantitative effects of the program on  
19 soil quality and carbon storage; and

20 (c) A periodically updated evaluation of the benefits and costs  
21 to the state of expanding or furthering the strategies promoted in  
22 the program.

23 **Sec. 602.** RCW 43.19A.150 and 2022 c 180 s 701 are each amended  
24 to read as follows:

25 COMPOST PROCUREMENT REPORTING AMENDMENT. (1) By January 1, 2023,  
26 the following cities or counties shall adopt a compost procurement  
27 ordinance to implement RCW 43.19A.120:

28 (a) Each city or county with a population greater than 25,000  
29 residents as measured by the office of financial management using the  
30 most recent population data available; and

31 (b) Each city or county in which organic material collection  
32 services are provided under chapter 70A.205 RCW.

33 (2) A city or county that newly exceeds a population of 25,000  
34 residents after January 1, 2023, as measured by the office of  
35 financial management, must adopt an ordinance under this subsection  
36 no later than 12 months after the office of financial management's  
37 determination that the local government's population has exceeded  
38 25,000.

1 (3) In developing a compost procurement ordinance, each city and  
2 county shall plan for the use of compost in the following categories:

3 (a) Landscaping projects;

4 (b) Construction and postconstruction soil amendments;

5 (c) Applications to prevent erosion, filter stormwater runoff,  
6 promote vegetation growth, or improve the stability and longevity of  
7 roadways; and

8 (d) Low-impact development and green infrastructure to filter  
9 pollutants or keep water on-site, or both.

10 (4) Each city or county that adopts an ordinance under subsection  
11 (1) or (2) of this section must develop strategies to inform  
12 residents about the value of compost and how the jurisdiction uses  
13 compost in its operations in the jurisdiction's comprehensive solid  
14 waste management plan pursuant to RCW 70A.205.045.

15 (5) By ~~((December))~~ March 31, ~~((2024))~~ 2025, and each  
16 ~~((December))~~ March 31st ~~((of even-numbered years))~~ thereafter, each  
17 city or county that adopts an ordinance under subsection (1) or (2)  
18 of this section must submit a report covering the previous year's  
19 compost procurement activities to the department of ecology that  
20 contains the following information:

21 (a) The total tons of organic material diverted throughout the  
22 year and the facility or facilities used for processing;

23 (b) The volume and cost of compost purchased throughout the year;  
24 and

25 (c) The source or sources of the compost.

26 (6) Cities and counties that are required to adopt an ordinance  
27 under subsection (1) or (2) of this section shall give priority to  
28 purchasing compost products from companies that produce compost  
29 products locally, are certified by a nationally recognized  
30 organization, and produce compost products that are derived from  
31 municipal solid waste compost programs and meet quality standards  
32 comparable to standards adopted by the department of transportation  
33 or adopted by rule by the department of ecology.

34 (7) Cities and counties may enter into collective purchasing  
35 agreements if doing so is more cost-effective or efficient.

36 (8) Nothing in this section requires a compost processor to:

37 (a) Enter into a purchasing agreement with a city or county;

38 (b) Sell finished compost to meet this requirement; or

39 (c) Accept or process food waste or compostable products.

**PART 7**  
**MISCELLANEOUS**

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2  
3       NEW SECTION.   **Sec. 701.**   A new section is added to chapter 19.27  
4 RCW to read as follows:

5       STATE BUILDING CODE COUNCIL AMENDMENT. The governing body of each  
6 county or city is authorized to amend requirements in the state  
7 building code, as it applies within the jurisdiction of the county or  
8 city, that apply to providing for the storage of solid waste by  
9 requiring multifamily residential buildings to:

10       (1) Provide adequate space for the colocation of organic material  
11 waste and recycling collection containers with garbage containers, or  
12 in the absence of colocation, requiring the posting of signage  
13 notifying residents of where organic material waste and recycling  
14 containers are located;

15       (2) Identify organic material waste collection containers with  
16 appropriate and accurate signage and color to differentiate between  
17 organic material waste, recycling, and garbage collection containers;  
18 and

19       (3) Distribute annual waste sorting educational materials to all  
20 residents.

21       NEW SECTION.   **Sec. 702.**   WORK GROUP TO STUDY FOOD DONATION BY  
22 BUSINESSES. (1) The department of ecology's center for sustainable  
23 food management created in chapter 70A.207 RCW must convene a work  
24 group to address mechanisms to improve the rescue of edible food  
25 waste from commercial generators, including food service, retail  
26 establishments, and processors that generate excess supply of edible  
27 food. The work group must consider:

28       (a) Logistics to phase in edible food donation programs,  
29 including incentives;

30       (b) The food recovery network systems necessary to support  
31 increased donation of edible food by commercial generators;

32       (c) Assess asset gaps and food infrastructure development needs.  
33 The work group must also facilitate the creation of networks and  
34 partnerships to address gaps and needs and develop innovative  
35 partnerships and models where appropriate; and

36       (d) Actions taken, costs, and lessons learned by other  
37 jurisdictions in the United States that have enacted policies focused  
38 on reducing edible commercially generated food waste and from

1 voluntary pilot projects carried out by commercial generators of food  
2 waste.

3 (2) The department of ecology must submit a report to the  
4 legislature by September 1, 2025, containing the recommendations of  
5 the work group. The work group shall make recommendations using  
6 consensus-based decision making. All meetings of the work group must  
7 be carried out in a virtual-only format. The report must include  
8 recommendations where general stakeholder consensus has been achieved  
9 and note varied opinions where stakeholder consensus has not been  
10 achieved.

11 (3) The department of ecology must select at least one member to  
12 the work group from each of the following:

13 (a) Cities, including both small and large cities and cities  
14 located in urban and rural counties, which may be represented by an  
15 association that represents cities in Washington;

16 (b) Counties, including both small and large counties and urban  
17 and rural counties, which may be represented by an association that  
18 represents county solid waste managers in Washington;

19 (c) An environmental nonprofit organization that specializes in  
20 waste and recycling issues;

21 (d) A statewide organization representing hospitality businesses;

22 (e) A retail grocery association;

23 (f) The department of ecology;

24 (g) Two different nonprofit organizations that specialize in food  
25 recovery and hunger issues;

26 (h) Three different hunger relief organizations that represent  
27 diverse needs from throughout the state;

28 (i) The department of agriculture;

29 (j) The office of the superintendent of public instruction;

30 (k) The department of health;

31 (l) One large and one small food distribution company;

32 (m) An organization representing food processors;

33 (n) A technology company currently focused on food rescue in  
34 Washington; and

35 (o) Two open seats for appointed members of the work group to  
36 nominate for department of ecology appointment if gaps in membership  
37 are identified.

38 NEW SECTION. **Sec. 703.** SEVERABILITY CLAUSE. If any provision of  
39 this act or its application to any person or circumstance is held

1 invalid, the remainder of the act or the application of the provision  
2 to other persons or circumstances is not affected.

3 NEW SECTION. **Sec. 704.** If specific funding for the purposes of  
4 this act, referencing this act by bill or chapter number, is not  
5 provided by June 30, 2024, in the omnibus appropriations act, this  
6 act is null and void."

7 Correct the title.

EFFECT: Delays the date by which the department of ecology must adopt standards for local governments to exempt persons using organic material management alternatives to curbside collection until January 1, 2027. Eliminates changes to the definition of "producer" applicable to existing degradable product labeling requirements. Allows products that are 99 percent fiber by weight to be labeled as compostable if they also do not contain plastic or polymer wax additives, coatings, or adhesives that do not meet ASTM standard specification D6868. Clarifies that prohibitions on botanical motif color schemes apply only to plastic film bags. Amends the department of agriculture's compost reimbursement program to allow reimbursement for compost purchased from facilities that do not accept food waste feedstocks, but directs the department of agriculture to prioritize reimbursement to farmers that purchase compost from a facility that does accept food waste feedstocks where it is practicable for the farmer to purchase compost from such a facility. Prohibits penalties from being assessed on individuals or residents for the improper disposal of organic materials in a noncommercial or residential setting.

--- END ---