

E2SHB 2301 - S COMM AMD
By Committee on Ways & Means

ADOPTED AS AMENDED 03/01/2024

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

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

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

35 (3) The superintendent of public instruction shall distribute
36 guidelines and other materials developed by the office to implement
37 programs to reduce and recycle waste generated in administrative
38 offices, classrooms, laboratories, cafeterias, and maintenance
39 operations.

PART 3

AMENDMENTS TO SOLID WASTE LAWS

1
2
3 **Sec. 301.** RCW 70A.205.540 and 2022 c 180 s 102 are each amended
4 to read as follows:

5 MANDATED ORGANICS MANAGEMENT. (1) (~~Beginning January 1, 2027,~~
6 ~~in~~) Except as provided in subsection (3) of this section, in each
7 jurisdiction that implements a local solid waste plan under RCW
8 70A.205.040:

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

13 (i) All single-family residents; and

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

16 (b) (i) The department may, by waiver, reduce the collection
17 frequency requirements in (a) of this subsection for the collection
18 of dehydrated food waste or to address food waste managed through
19 other circumstances or technologies that will reduce the volume or
20 odor, or both, of collected food waste.

21 (ii) All organic solid waste collected from single-family
22 residents and businesses under ((a) of) this subsection must be
23 managed through organic materials management;

24 (c) Beginning April 1, 2030, the source-separated organic solid
25 waste collection services specified in (a) of this subsection must be
26 provided to customers on a nonelective basis, except that a
27 jurisdiction may grant an exemption to a customer that certifies to
28 the jurisdiction that the customer is managing organic material waste
29 on-site or self-hauling its own organic material waste for organic
30 materials management;

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

36 (e) Beginning April 1, 2030, all persons, when using curbside
37 collection for disposal, may use only source-separated organic solid
38 waste collection services to discard unwanted organic materials. By
39 January 1, 2027, the department must develop guidance under which

1 local jurisdictions may exempt persons from this requirement if
2 organic materials will be managed through an alternative mechanism
3 that provides equal or better environmental outcomes. Nothing in this
4 section precludes the ability of a person to use on-site composting,
5 the diversion of organic materials to animal feed, self-haul organic
6 materials to a facility, or other means of beneficially managing
7 unwanted organic materials. For the purposes of this subsection
8 (1)(e), "person" or "persons" does not include multifamily
9 residences.

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

14 (3)(a) Except as provided in (~~(d)~~) (e) of this subsection, the
15 requirements of this section do not apply in a jurisdiction if the
16 department determines that the following apply:

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

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

21 ~~(iii) The jurisdiction has a total population between 25,000 and~~
22 ~~50,000 people and curbside organic solid waste collection services~~
23 ~~are not offered in any area within the jurisdiction, as of July 1,~~
24 ~~2022)).~~

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

26 (i) In census tracts that have a population density of less than
27 75 people per square mile that are serviced by the jurisdiction and
28 located in unincorporated portions of a county, as determined by the
29 department, in counties not planning under chapter 36.70A RCW;
30 (~~and~~)

31 (ii) In census tracts that have a population density of greater
32 than 75 people per square mile, where the census tract includes
33 jurisdictions that meet any of the conditions in (a)(i) and (ii) of
34 this subsection, that are serviced by the jurisdiction and located in
35 unincorporated portions of a county, as determined by the department,
36 in counties not planning under chapter 36.70A RCW;

37 (iii) Outside of urban growth areas designated pursuant to RCW
38 36.70A.110 in unincorporated portions of a county planning under
39 chapter 36.70A RCW;

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

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

6 ~~((In addition to the exemptions in (a) and (b)))~~ A
7 jurisdiction that collects organic materials, but that does not
8 collect organic materials on a year-round basis as of January 1,
9 2024, is not required to provide year-round organic solid waste
10 collection services if it provides those services at least 26 weeks
11 annually.

12 (d) In addition to the exemptions in (a) through (c) 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))~~ (e) Beginning January 1, 2030, the department may adopt a
25 rule to require that the provisions of this section apply in the
26 jurisdictions identified in (b) ~~((and (e)))~~ through (d) of this
27 subsection, but only if the department determines that the goals
28 established in RCW 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 (7) The department must adopt new rules or amend existing rules
39 adopted under this chapter establishing permit requirements for
40 organic materials management facilities requiring a solid waste

1 handling permit addressing contamination associated with incoming
2 food waste feedstocks and finished products, for environmental
3 benefit.

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

6 BUSINESS DIVERSION. (1) (a) Beginning July 1, 2023, and each July
7 1st thereafter, the department must determine which counties and any
8 cities preparing independent solid waste management plans:

9 (i) Provide for businesses to be serviced by providers that
10 collect food waste and organic material waste for delivery to solid
11 waste facilities that provide for the organic materials management of
12 organic material waste and food waste; and

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

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

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

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

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

33 (B) In the event that a county or city provides a written
34 ((notification)) request and supporting evidence to the department
35 ((indicating)) determining that the criteria of (b) (i) (B) of this
36 subsection are met, and the department confirms this determination,
37 then the restrictions of this section do not apply to the
38 jurisdiction.

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

3 (d) The requirements of this section may be enforced by
4 jurisdictional health departments consistent with this chapter,
5 except that:

6 (i) A jurisdictional health department may not charge a fee to
7 permit holders to cover the costs of the jurisdictional health
8 department's administration or enforcement of the requirements of
9 this section; and

10 (ii) Prior to issuing a penalty under this section, a
11 jurisdictional health department must provide at least two written
12 notices of noncompliance with the requirements of this section to the
13 owner or operator of a business subject to the requirements of this
14 section.

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

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

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

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

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

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

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

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

6 (v) Wastes generated as a result of a food safety event, such as
7 a product recall, that is due to foreign material or adverse
8 biological activity that requires landfill destruction rather than
9 organic material management.

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

11 (a) Source separating organic material waste from other waste,
12 subscribing to a service that includes organic material waste
13 collection and organic materials management, and using such a service
14 for organic material waste generated by the business;

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

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

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

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

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

37 (5) When arranging for gardening or landscaping services, the
38 contract or work agreement between a business subject to this section
39 and a gardening or landscaping service must require that the organic

1 material waste generated by those services be managed in compliance
2 with this chapter.

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

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

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

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

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

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

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

22 (d) Nothing in this section changes or limits the authority of
23 the Washington utilities and transportation commission to regulate
24 collection of solid waste, including curbside collection of
25 residential recyclable materials, nor does this section change or
26 limit the authority of a city or town to provide the service itself
27 or by contract under RCW 81.77.020.

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

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

34 (ii) "Business" does not include a multifamily residential
35 entity.

36 (b) "Food waste" has the same meaning as defined in RCW
37 70A.205.715.

38 **PART 4**
39 **STATUS ASSESSMENT OF PRODUCE STICKER TECHNOLOGIES**

1 (g) Be comprised only of wood, which includes renewable wood, or
2 a fiber-based substrate (~~(only)~~) that contains:

3 (i) Greater than 98 percent fiber by dry weight; and

4 (ii) No plastic, plastic polymer or wax additives, or plastic or
5 wax coatings.

6 (2) A product described in subsection (1)(a) (~~(or (b))~~) through
7 (f) of this section must:

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

10 (b) Feature labeling that:

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

13 (ii) Uses a logo indicating the product has been certified by a
14 recognized third-party independent verification body as meeting the
15 (~~ASTM~~) applicable standard specification;

16 (iii) Displays the word "compostable," where possible, indicating
17 the product has been tested by a recognized third-party independent
18 body and meets the (~~ASTM~~) applicable standard specification; and

19 (iv) Uses green, beige, or brown labeling, color striping, or
20 other green, beige, or brown symbols, colors, tinting, marks, or
21 design patterns that help differentiate compostable items from
22 noncompostable items.

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

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

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

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

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

38 (2) A producer of food service products, or plastic film products
39 other than plastic film bags subject to subsection (1) of this

1 section, sold, offered for sale, or distributed for use in Washington
2 that does not meet the applicable ASTM standard specifications
3 provided in RCW 70A.455.060 is:

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

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

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

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

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

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

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

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

24 (ii) The prohibition in subsection (1)(a) of this section on
25 color schemes on plastic film bags does prohibit the use of botanical
26 motifs, such as leaves or vines that are colored green, brown, or
27 beige, or any combination of these colors or shapes.

28 NEW SECTION. Sec. 503. A new section is added to chapter
29 70A.455 RCW to read as follows:

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

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

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

36 (3) The product is otherwise labeled in a manner consistent with
37 the requirements of this chapter, including RCW 70A.455.030,
38 70A.455.040, or 70A.455.050, as appropriate;

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

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

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

9 CONCURRENT ENFORCEMENT OF DEGRADABILITY LABELING REQUIREMENTS BY
10 CITIES AND COUNTIES. (1)(a) The department and cities and counties
11 have concurrent authority to enforce this chapter and to issue and
12 collect civil penalties for a violation of this chapter, subject to
13 the conditions in this section and RCW 70A.455.100. An enforcing
14 government entity may impose a civil penalty in the amount of up to
15 \$2,000 for the first violation of this chapter, up to \$5,000 for the
16 second violation of this chapter, and up to \$10,000 for the third and
17 any subsequent violation of this chapter. If a producer has paid a
18 prior penalty for the same violation to a different government entity
19 with enforcement authority under this subsection, the penalty imposed
20 by a government entity is reduced by the amount of the payment.

21 (b) The enforcement of this chapter must be based primarily on
22 complaints filed with the department and cities and counties. The
23 department must establish a forum for the filing of complaints.
24 Cities, counties, or any person may file complaints with the
25 department using the forum, and cities and counties may review
26 complaints filed with the department via the forum. The forum
27 established by the department may include a complaint form on the
28 department's website, a telephone hotline, or a public outreach
29 strategy relying upon electronic social media to receive complaints
30 that allege violations. The department, in collaboration with the
31 cities and counties, must provide education and outreach activities
32 to inform retail establishments, consumers, and producers about the
33 requirements of this chapter.

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

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

1 review is for the department to ensure that the proposed transport
2 and application of compost products is consistent with the
3 department's agricultural pest control rules established under
4 chapter 17.24 RCW. A farming operation must also verify that it will
5 allow soil sampling to be conducted by the department upon request
6 before compost application and until at least 10 years after the last
7 grant funding is used by the farming operation, as necessary to
8 establish a baseline of soil quality and carbon storage and for
9 subsequent department evaluations to assist the department's
10 reporting requirements under subsection (8) of this section.

11 (3) The department must create a form for eligible farming
12 operations to apply for cost reimbursement for costs from purchasing
13 and using compost from facilities with solid waste handling permits
14 or that are permit exempt, including transportation, equipment,
15 spreading, and labor costs. Compost must meet the applicable
16 requirements for compost established by the department of ecology
17 under chapter 70A.205 RCW. The department must prioritize applicants
18 who purchase and use compost containing food waste feedstocks, where
19 it is practicable for the applicant to purchase and use compost
20 containing food waste feedstocks. All applications for cost
21 reimbursement must be submitted on the form along with invoices,
22 receipts, or other documentation acceptable to the department of the
23 costs of purchasing and using compost products for which the
24 applicant is requesting reimbursement, as well as a brief description
25 of what each purchased item will be used for. The department may
26 request that an applicant provide information to verify the source,
27 size, sale weight, or amount of compost products purchased and the
28 cost of transportation, equipment, spreading, and labor. The
29 applicant must also declare that it is not seeking reimbursement for
30 purchase or labor costs for:

31 (a) Its own compost products; or

32 (b) Compost products that it has transferred, or intends to
33 transfer, to another individual or entity, whether or not for
34 compensation.

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

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

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

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

11 (~~(A farming operation is not eligible to receive more than~~
12 ~~\$10,000 per fiscal year)~~) The department must attempt to achieve fair
13 distribution of reimbursement funding across different farm size
14 categories, based on acreage categories determined by the department,
15 and which is not to exceed a maximum of \$20,000 per fiscal year for
16 the largest farming operation category determined by the department;

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

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

24 (6) The applicant shall indemnify and hold harmless the state and
25 its officers, agents, and employees from all claims arising out of or
26 resulting from the compost products purchased that are subject to the
27 compost reimbursement program under this section.

28 (7) There is established within the department a compost
29 reimbursement program manager position. The compost reimbursement
30 program manager must possess knowledge and expertise in the area of
31 program management necessary to carry out the duties of the position,
32 which are to:

33 (a) Facilitate the division and distribution of available costs
34 for reimbursement; and

35 (b) Manage the day-to-day coordination of the compost
36 reimbursement program.

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

- 1 (a) The amount of compost for which reimbursement was sought
2 under the program;
- 3 (b) The qualitative or quantitative effects of the program on
4 soil quality and carbon storage; and
- 5 (c) A periodically updated evaluation of the benefits and costs
6 to the state of expanding or furthering the strategies promoted in
7 the program.

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

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

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

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

18 (2) A city or county that newly exceeds a population of 25,000
19 residents after January 1, 2023, as measured by the office of
20 financial management, must adopt an ordinance under this subsection
21 no later than 12 months after the office of financial management's
22 determination that the local government's population has exceeded
23 25,000.

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

26 (a) Landscaping projects;

27 (b) Construction and postconstruction soil amendments;

28 (c) Applications to prevent erosion, filter stormwater runoff,
29 promote vegetation growth, or improve the stability and longevity of
30 roadways; and

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

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

38 (5) By ~~((December))~~ March 31, ~~((2024))~~ 2025, and each
39 ~~((December))~~ March 31st ~~((of even-numbered years))~~ thereafter, each

1 city or county that adopts an ordinance under subsection (1) or (2)
2 of this section must submit a report covering the previous year's
3 compost procurement activities to the department of ecology that
4 contains the following information:

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

7 (b) The volume and cost of compost purchased throughout the year;
8 and

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

10 (6) Cities and counties that are required to adopt an ordinance
11 under subsection (1) or (2) of this section shall give priority to
12 purchasing compost products from companies that produce compost
13 products locally, are certified by a nationally recognized
14 organization, and produce compost products that are derived from
15 municipal solid waste compost programs and meet quality standards
16 comparable to standards adopted by the department of transportation
17 or adopted by rule by the department of ecology.

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

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

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

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

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

24 **PART 7**

25 **MISCELLANEOUS**

26 NEW SECTION. **Sec. 701.** A new section is added to chapter 19.27
27 RCW to read as follows:

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

33 (1) Provide adequate space for the colocation of organic material
34 waste and recycling collection containers with garbage containers, or
35 in the absence of colocation, requiring the posting of signage
36 notifying residents of where organic material waste and recycling
37 containers are located;

1 (2) Identify organic material waste collection containers with
2 appropriate and accurate signage and color to differentiate between
3 organic material waste, recycling, and garbage collection containers;
4 and

5 (3) Distribute annual waste sorting educational materials to all
6 residents.

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

14 (a) Logistics to phase in edible food donation programs,
15 including incentives;

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

18 (c) Assess asset gaps and food infrastructure development needs.
19 The work group must also facilitate the creation of networks and
20 partnerships to address gaps and needs and develop innovative
21 partnerships and models where appropriate; and

22 (d) Actions taken, costs, and lessons learned by other
23 jurisdictions in the United States that have enacted policies focused
24 on reducing edible commercially generated food waste and from
25 voluntary pilot projects carried out by commercial generators of food
26 waste.

27 (2) The department of ecology must submit a report to the
28 legislature by September 1, 2025, containing the recommendations of
29 the work group. The work group shall make recommendations using
30 consensus-based decision making. All meetings of the work group must
31 be carried out in a virtual-only format. The report must include
32 recommendations where general stakeholder consensus has been achieved
33 and note varied opinions where stakeholder consensus has not been
34 achieved.

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

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

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

4 (c) An environmental nonprofit organization that specializes in
5 waste and recycling issues;

6 (d) A statewide organization representing hospitality businesses;

7 (e) A retail grocery association;

8 (f) The department of ecology;

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

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

13 (i) The department of agriculture;

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

15 (k) The department of health;

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

17 (m) An organization representing food processors;

18 (n) An organization representing food producers;

19 (o) A technology company currently focused on food rescue in
20 Washington; and

21 (p) Two open seats for appointed members of the work group to
22 nominate for department of ecology appointment if gaps in membership
23 are identified.

24 NEW SECTION. **Sec. 703.** SEVERABILITY CLAUSE. If any provision of
25 this act or its application to any person or circumstance is held
26 invalid, the remainder of the act or the application of the provision
27 to other persons or circumstances is not affected.

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

E2SHB 2301 - S COMM AMD
By Committee on Ways & Means

ADOPTED AS AMENDED 03/01/2024

1 On page 1, line 3 of the title, after "systems;" strike the
2 remainder of the title and insert "amending RCW 70A.207.020,
3 70A.214.100, 70A.205.540, 70A.205.545, 70A.455.040, 70A.455.070,
4 70A.455.090, 15.04.420, and 43.19A.150; adding new sections to
5 chapter 70A.207 RCW; adding a new section to chapter 43.23 RCW;
6 adding a new section to chapter 70A.455 RCW; adding a new section to
7 chapter 19.27 RCW; and creating new sections."

EFFECT: (1) Requires the department of ecology (ecology) to develop guidance (rather than adopt standards) under which local jurisdictions may exempt persons from the requirement to only use source-separated organic solid waste collection services to discard unwanted organic materials when the organic materials will be managed through an alternative mechanism providing equal or better environmental outcomes.

(2) Requires the year-round organic solid waste collection services be provided to single-family residents rather than all residents.

(3) Provides that a jurisdiction that collects organic materials, but that does not collect such materials year-round as of January 1, 2024, is not required to provide year-round services if it provides those services at least 26 weeks annually.

(4) Directs ecology to adopt new, or amend existing, rules to address contamination associated with incoming food waste feedstocks and finished products.

(5) Removes provisions establishing collection container color-coding and labeling requirements.

(6) Includes additional standard specifications a product may meet to be labeled as compostable and entered into Washington commerce.

(7) Provides that a compostable product comprised only of wood must contain: (a) Greater than 98 percent fiber by dry weight rather than 99 percent; and (b) no plastic, plastic polymer or wax additives, or plastic or wax coatings rather than those items in addition to adhesives not meeting ASTM standard specification D6868.

(8) Makes other technical changes relating to labeling products with the new standard specifications, as applicable.

--- END ---