

HOUSE BILL REPORT

ESHB 1033

As Passed House:
February 28, 2023

Title: An act relating to evaluating compostable product usage in Washington.

Brief Description: Evaluating compostable product usage in Washington.

Sponsors: House Committee on Environment & Energy (originally sponsored by Representatives Walen, Ryu, Reed, Fitzgibbon, Pollet, Callan, Doglio, Macri, Gregerson, Davis, Santos, Ormsby and Fosse).

Brief History:

Committee Activity:

Environment & Energy: 1/10/23, 1/26/23 [DPS].

Floor Activity:

Passed House: 2/28/23, 91-6.

Brief Summary of Engrossed Substitute Bill

- Requires the Department of Ecology to contract with a facilitator to convene a Stakeholder Advisory Committee (Committee), regarding development of compostable product management standards for organic materials management facilities.
- Requires the facilitator to submit a report containing the Committee's recommendations to the Legislature by September 15, 2024.

HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 11 members: Representatives Doglio, Chair; Mena, Vice Chair; Ybarra, Assistant Ranking Minority Member; Berry, Duerr, Fey, Goehner, Lekanoff, Ramel, Slatter and Street.

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

Minority Report: Without recommendation. Signed by 4 members: Representatives Dye, Ranking Minority Member; Abbarno, Barnard and Couture.

Staff: Andrew Hatt (786-7296) and Jacob Lipson (786-7196).

Background:

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

Since 2019, legislation has been enacted that has established several statutory goals for organic material management, including:

- landfill disposal of organic materials at a level in 2030 that is 75 percent less than in 2015;
- at least 20 percent of the volume of edible food disposed of be recovered for human consumption by 2025; and
- reducing the amount of annual food waste generation by 50 percent by 2030, relative to 2015 levels.

Statewide standards for plastic product degradability were established by House Bill 1569 in 2019. These standards include general standards that products labeled as compostable must satisfy, and specific standards for the labeling, tinting, and terms used by plastic film bags and food service products that are not compostable.

Summary of Engrossed Substitute Bill:

The Department of Ecology (Ecology) must contract with an independent, third-party facilitator to convene a Stakeholder Advisory Committee (Committee) concerning the development of standards for compostable product management, including food service products, by organic materials management facilities. The Committee is to be made up of representatives from a variety of specified public and private sector entities, such as local governments, organic materials management facilities, and businesses, including the hospitality industry. The Director of Ecology is also required to invite the participation of any Indian tribe that expresses their interest in participating on the Committee.

Among the factors that the Committee must consider in its recommendations are:

- the state's goals for managing organic materials;
- compostable standards related to the breakdown of products in facilities and home composting;

- estimates of disposal rates of compostable products at organic materials management facilities; and
- policy options to address contamination of organic waste streams.

The third-party facilitator is authorized to hire subcontractors as needed to conduct research on issues relevant to the work of the Committee, and is responsible for staffing and supporting Committee meetings. The first Committee meeting must be convened by September 15, 2023, and the Committee must meet monthly in a virtual format until at least January 2024. The facilitator must draft and submit the Committee's recommendations to the Legislature by September 15, 2024.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) There is confusion among consumers in Washington regarding what types of compostable products are accepted by organic materials management facilities, due to different facilities accepting different types of products throughout the state. The bill would build upon others passed in recent years, and help reduce the amount of food waste that ends up in landfills, which produces methane emissions. Consumer confusion about what products are compostable results in more contamination issues, which then leads to issues for organic materials management facilities. The City of Seattle experiences this problem, as there are a lot of visitors and the city contracts with two compost companies that accept different types of products. Contamination is a significant operational issue facing organic materials management facilities, as they need clean final compostable material and must dispose of contaminated, non-compostable material at a landfill at their own expense. Facilities can refuse to accept all compostable products, which hampers the ability for Washington to reach its organic waste reduction goals. There is a disconnect between lab standards for what is compostable and the reality of today's technology in composting facilities. Food products and utensils are a particularly problematic area for compost contamination and consumer confusion, as is compostable-branded packaging. There should be an evidence-based assessment regarding problematic contaminants added to the bill, a requirement for the Stakeholder Advisory Committee (Committee) to review existing evidence-based research, and a public comment period added for the draft recommendations. The Committee should also consider in its recommendations labeling that clarifies the difference between products that are compostable at home instead of solely at facilities.

(Opposed) None.

(Other) A representative from the Washington Hospitality Association or hospitality industry should be added onto the Committee. The timeline of the Committee process should be extended to allow for the Department of Ecology (Ecology) and facilitator more time to get the report with recommendations right for the Legislature. Ecology has another report due in December 2023 which could be helpful to the final report of recommendations. The fiscal cost of the facilitator and bill are not included in the Governor's current budget proposal.

Persons Testifying: (In support) Travis Dutton, Washington State Association of Counties and Washington Association of County Solid Waste Managers; Heather Trim, Zero Waste Washington; Janet Thoman, Compost Manufacturing Alliance; Kate Kurtz, Seattle Public Utilities; Karen Dawson, Cedar Grove; Troy Lautenbach, Lautenbach Industries; Ann Murphy, League of Women Voters of Washington; Ezra Eickmeyer, Terramer Inc; and Connor Anderson.

(Other) Alex Truelove, Biodegradable Products Institute; Samantha Louderback, Washington Hospitality Association; and Laurie Davies, Department of Ecology.

Persons Signed In To Testify But Not Testifying: None.