

# SENATE BILL REPORT

## SB 6180

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As Reported by Senate Committee On:  
Environment, Energy & Technology, January 30, 2024

**Title:** An act relating to improving the outcomes associated with waste material management systems, including products affecting organic material management systems.

**Brief Description:** Improving the outcomes associated with waste material management systems, including products affecting organic material management systems.

**Sponsors:** Senators Lovick, Keiser, Nguyen, Salomon, Torres, Valdez, Warnick and Wilson, J..

**Brief History:**

**Committee Activity:** Environment, Energy & Technology: 1/23/24, 1/30/24 [DPS-WM, DNP, w/oRec].

### Brief Summary of First Substitute Bill

- Creates new, and modifies existing, grant programs related to food waste reduction, policy implementation, and compost products.
- Amends organic material collection requirements in certain jurisdictions and for certain businesses.
- Requires collection bins for garbage, recycling, and organic materials to comply with new color standards.
- Requires Ecology to, in consultation with the Washington State Department of Agriculture, conduct a produce sticker technology study and submit a report to the Legislature by September 1, 2025.
- Requires external training for certain compost and anaerobic digester facility personnel, and amends compost procurement requirements.
- Directs the Center for Sustainable Food Management to convene a work group to study food donations, recovery systems, and infrastructure.

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*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.*

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## SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

**Majority Report:** That Substitute Senate Bill No. 6180 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators Nguyen, Chair; Lovelett, Vice Chair; Lovick, Trudeau and Wellman.

**Minority Report:** Do not pass.

Signed by Senators MacEwen, Ranking Member; Short.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Boehnke.

**Staff:** Matt Shepard-Koningsor (786-7627)

**Background:** Solid Waste, Organic Materials, and Food Waste Management. Under Washington's solid waste management laws, local governments are the primary government entity responsible for implementing solid waste management requirements. The Department of Ecology (Ecology) also has certain roles in overseeing the administration of solid waste management laws, including responsibility for working cooperatively with local governments as they develop their local solid waste management plans; evaluating, analyzing, and monitoring the state's solid waste stream; and developing a statewide solid waste plan that, in part, addresses organic material wastes.

In 2019 Washington established a goal to reduce the annual generation of food waste by 50 percent by 2030 which included a sub-goal of reducing edible food waste by 50 percent. Ecology, working with other agencies, adopted the Use Food Well Washington plan (plan) in December 2021. The plan contained 30 federal and state policy recommendations.

In 2022 the Legislature enacted HB 1799, which established several new requirements related to organic material management. Organic materials include manure, yard debris, food and food processing waste, wood waste, and garden waste, but do not include chemically or biologically contaminated materials that would render a finished product of an organic material management process, such as composting or anaerobic digestion, unsuitable for general public or agricultural use. HB 1799 established goals for organic material management, including a goal for the landfill disposal of organic materials at a level in 2030 that is 75 percent less than in 2015, and a goal that at least 20 percent of the volume of edible food disposed of as of 2015 be recovered for human consumption by 2025. These goals are in addition to the food waste reduction goals.

Washington Center for Sustainable Food Management. HB 1799 created the Washington Center for Sustainable Food Management (Center) within Ecology. The Center's purpose is to help coordinate statewide food waste reduction by performing certain activities, including, among others:

- coordinating the implementation of the plan;
- drafting plan updates and measuring progress;
- providing staff support to multi-state food waste reduction initiatives;
- facilitating and coordinating partnerships focused on food waste reduction;
- collecting and maintaining data on food waste, wasted food, and food donations;
- developing and maintaining statewide food waste and contamination reduction campaigns with other agencies and stakeholders;
- distributing and monitoring grants dedicated to food waste prevention, rescue, and recovery; and
- researching and providing support to local governments related to adopting certain solid waste ordinances or policies.

Organic Materials Management in Certain Jurisdictions. Beginning January 1, 2027, each county or city implementing a local solid waste management plan must provide source-separated organic solid waste collection services either bi-weekly or 26 weeks annually to all residents and to businesses generating at least 0.25 cubic yards of organic materials per week, and must provide for organic materials management of collected organic materials. Counties and cities may charge and collect fees or rates for these services, consistent with the jurisdiction's authority to impose fees and rates for solid waste collection services. The organic materials collection and management requirements do not apply:

- in counties and cities implementing a solid waste plan that disposed of less than 5000 tons of solid waste in the previous year;
- in counties and cities implementing a solid waste plan that have less than 25,000 people;
- in counties and cities implementing a solid waste plan that has between 25,000-50,000 people where curbside organic solid waste collection services are not offered anywhere in the jurisdiction, as of July 1, 2022;
- in census tracts that have a population density of less than 75 people per square mile that are serviced by the jurisdiction and located in unincorporated portions of a county planning under the Growth Management Act (GMA);
- outside of urban growth areas in unincorporated portions of a county planning under the GMA; or
- in counties or cities with a waiver granted by Ecology, based on certain factors, including the distance to organic materials management facilities, the facilities' ability to manage the organic materials, and certain transportation restrictions of organic materials.

Beginning January 1, 2030, and only if Ecology determines the organic material management goals have not or will not be achieved, Ecology may adopt a rule requiring certain jurisdictions otherwise exempted based on population density, outside of urban growth areas, or under a waiver, to comply with the organics material collection and management provisions. Any city that newly begins implementing an independent solid waste plan after July 1, 2022, must meet organic material collection requirements. When developing, updating, or amending a comprehensive solid waste management plan after

July 1, 2024, the plan must consider the transition to providing organic materials collection services to certain residents and businesses in 2027.

Organic Materials Management Requirements for Certain Businesses. Each July 1st, Ecology must determine which counties and cities preparing solid waste plans provide for businesses to be serviced by providers that collect food and other organic waste for delivery to solid waste facilities using composting, anaerobic digestion, vermiculture, black soldier fly, or other similar technologies to manage the collected organic wastes (organic materials management). Unless a county or city does not have available businesses that collect and deliver organic materials to solid waste facilities providing for organic materials management or the solid waste facilities where businesses collect and deliver organic materials do not have available capacity, Ecology must determine and designate that the organic materials management requirements apply to businesses in the county or city. Requirements for organic materials management and collection by certain businesses are phased-in as follows:

- January 1, 2024: businesses generating at least eight cubic yards of organic material waste per week must arrange for organic materials management services;
- January 1, 2025: businesses generating at least four cubic yards of organic material waste per week must arrange for organic materials management services; and
- January 1, 2026: businesses generating at least four cubic yards of solid waste per week must arrange for organic materials management services.

Ecology may modify these volumetric thresholds under certain conditions.

Compost Reimbursement and Procurement. *Compost Reimbursement Program.* HB 1799 directed the Washington State Department of Agriculture (WSDA) to establish a compost reimbursement program to reimburse, beginning July 1, 2023, certain farming operations for the purchase and use of compost products not generated by the farming operation. Eligible uses include transportation, spreading equipment and associated maintenance costs, labor, and fuel. A farming operation must complete an eligibility review with Ecology prior to transporting or applying compost products for which reimbursement is sought. Farming operations may not seek reimbursement for purchase or labor costs for its own compost products, compost products transferred to another individual or entity, or compost products not purchased from a facility with a solid waste handling permit. Farming operations are eligible to receive reimbursement for up to 50 percent of their costs incurred each fiscal year, up to \$10,000 per fiscal year. WSDA must submit an annual report to the Legislature with specified information on compost reimbursement.

*Compost Procurement.* Each city or county with over 25,000 residents or that provides organic material collection services must adopt a compost procurement ordinance to implement the 2020 requirement for local governments to consider the use of compost products in projects and to use compost products in a project except when availability, health, quality, safety, or price-competitive criteria are not met. In developing a compost procurement ordinance, each city or county must plan to use compost products in

landscaping projects; construction and post-construction soil amendments; projects preventing erosion, filtering stormwater runoff, promoting vegetative growth, or improving roadways; and low-impact development and green infrastructure to filter pollutants or keep water on site. By December 2024, and every two years, each city or county must submit a report covering the previous year's compost procurement activities to Ecology, which must include information on the total tonnage of organic materials diverted, the volume and cost of purchased compost, and the source of the compost.

Product Degradability Requirements. State law contains several requirements related to how the degradability of plastic or non-plastic products is communicated by labels, tinting, and coloring. Products labeled as compostable and sold, offered for sale, or distributed for use in Washington by a manufacturer or supplier must use green, brown, or beige labeling, color striping, or other marks that help differentiate between compostable items and non-compostable materials. Manufacturers or suppliers of food service products and film products, other than film bags, that meet the American Society for Testing and Materials (ASTM) composting standards, for plastics or plastic-coated substrates must ensure that items are readily- and easily-identifiable. Readily- and easily-identifiable film wrap and food service products must be labeled with a logo indicating the product meets ASTM standards, and labeled with the word "compostable," where possible. Compostable products must be considered compliant if they have green or brown labeling, are labeled as compostable, and use other distinguishing colors or marks. Other characteristics, such as color and graphic elements, are encouraged for compostable film wrap and food packaging and service ware.

Food service products and film products, including film bags, not meeting ASTM composting standards are prohibited from using tinting, labeling, and terms required of products meeting ASTM standards, and are discouraged from using coloring, labeling, images, and terms that confuse customers into mistakenly identifying non-compostable products as compostable.

The entity responsible for compliance is: (1) The manufacturer of the product, if the product is sold under the manufacturer's own brand or does not identify the brand; (2) the licensee of the brand or trademark, if the product is manufactured by a person other than the brand owner; or (3) the person who imports or distributes the product in or into Washington, if the state cannot exercise jurisdiction over the product manufacturer or licensee.

Ecology and local jurisdictions share enforcement authority over these requirements, which must be enforced primarily based on received complaints. Violators may be assessed a civil penalty, which may be appealed to the Pollution Control Hearings Board. As of January 1, 2024, producers of compostable products, including bags, film products, and food service products must submit a declaration to Ecology for a product that is or will be sold or distributed into Washington, and prior to the sale or distribution of a new product sold or distributed into Washington or if the product's method of compliance materially changed from the last declaration.

State Building Code Requirements for Solid Waste. The State Building Code (Code) establishes minimum performance standards and requirements for construction and construction materials in the state, consistent with accepted standards of engineering, fire, and life safety. The Code includes several model codes and standards, developed and published by international and national organizations, which are adopted by reference in the State Building Code Act. Model codes and standards adopted include the International Building Code, International Residential Code, and Energy Code. Cities and counties are authorized to amend the Code as it applies within the jurisdiction. Under the Code, local jurisdictions must require that space be provided for the storage of recycled materials, compost, and solid waste for all new buildings. The storage area must be designed to meet the needs of the building's occupants, pickup efficiency, and must be available to occupants and haulers.

**Summary of Bill (First Substitute):** Center for Sustainable Food Management. The Center must convene a work group to address mechanisms to improve the rescue of edible food waste from commercial generators, including food service, retail establishments, and processors that generate excess supply of edible food. The work group must consider logistics to phase-in edible food donation programs, including incentives; food recovery network systems necessary to support increased donation of edible food by commercial generators; asset gaps and food infrastructure development needs; and actions taken, costs incurred, and lessons learned by other jurisdictions. Ecology must select work group members from a list of entities, including local governments, nonprofits, state agencies, trade organizations, and others. Ecology must submit a report to the Legislature by September 1, 2025, with recommendations of the work group.

The Center's duties are expanded to include providing staff support to the work group, and to distribute and monitor new grant programs.

Grant Programs, Awards, and Funding. *Center for Sustainable Food Management Grants.* Ecology, through the Center, and in consultation with WSDA, must develop and administer grant programs to support activities that reduce emissions from landfills and waste-to-energy facilities through the diversion of organic materials and food waste prevention, rescue, and recovery. Grant program priorities include maximizing greenhouse gas emission reductions, eliminating barriers to the rescue and consumption of edible food that would otherwise be wasted, and preferences certain management options.

Subject to appropriation, grants may be awarded to categories of activities including:

- projects to prevent the surplus of unsold, uneaten food from food businesses or to standardize and improve the operating procedures associated with food donations;
- projects to improve and reduce the transportation of donated foods and management of cold chains across the donated food supply chain, which may not include the purchase or lease of equipment or vehicles using a fuel source other than electricity;
- grant programs to support establishing and expanding wasted food reduction

- programs to benefit vulnerable communities, which must be developed in consultation with WSDA, the Department of Health, and food policy stakeholders; and
- food waste tracking and analytics pilot project grants.

The categories of grants listed above include eligible applicants, eligible uses of grant funds, and other specified criteria. Ecology may establish additional eligibility criteria or application procedures and must prioritize grant applications that benefit overburdened communities.

Ecology, through the Center, must develop and administer grant programs to support the implementation of the bill and HB 1799. Eligible grant recipients include businesses that must comply with organic material management requirements, local governments, federally-recognized tribes and tribal government entities, nonprofits, and organic material management facilities. Eligible expenses include education, outreach, technical assistance, indoor and outdoor and transporting and processing infrastructure, and enforcement costs. Ecology may not require a local government to provide matching funds to receive a grant and must provide assistance to each local government demonstrating eligibility for grant assistance.

*Washington Commodities Donation Grant Program.* WSDA must implement a Washington Commodities Donation Grant Program (donation grant program) to procure Washington-grown produce, grains, and protein otherwise at risk of ending up as food waste for distribution to hunger relief organizations for use in the state. The donation grant program must rely on existing infrastructure and similar grant programs, give priority to recipient organizations having at least five years of experience coordinating the collection and transportation of donated agricultural products to food donation organizations, and provide for equitable benefits experienced from the program by food producers of varying sizes and types. WSDA must issue grants to one or more nonprofit organizations to acquire food directly from Washington food producers. A grant recipient must report the results of the grant-funded project. The Legislature intends to allocate at least \$25 million per biennium, over multiple biennia, to the donation grant program.

*Waste Not Washington Awards.* The maximum amount of a Waste Not Washington award is increased to \$10,000, in addition to the minimum amount of an award presented to a school having the best recycling program, as measured by the total amount of materials recycled, and a school having the best waste reduction program. The Legislature intends to allocate at least \$1 million per biennium, over multiple biennia, to the Waste Not Washington awards.

Organic Materials Collection Requirements in Certain Jurisdictions. Organics management collection requirements in certain jurisdictions implementing a solid waste management plan are amended to require:

- beginning April 1, 2027: jurisdictions to provide source-separated organic solid waste

- collection services year-round; and
- beginning April 1, 2030:
  1. the source-separated organic solid waste collection services be provided to customers on a non-elective basis, and to accept food waste year-round, either separated from other organic materials or commingled, unless exempted by a jurisdiction; and
  2. all persons, when using curbside collection for disposal, to use source-separated organic solid waste collection services to discard unwanted organic materials, unless exempted by Ecology.

A jurisdiction may exempt a customer from required collection services if the customer certifies to the jurisdiction that the customer is managing organic material waste on-site or self-hauling its own organic material waste for organic materials management.

Jurisdictions and areas exempted from the organics management collection requirements are amended as follows:

- jurisdictions with a total population between 25,000 and 50,000 people where organic solid waste collection services are not offered in any area within the jurisdiction, as of July 1, 2022, are no longer explicitly exempted;
- census tracts in certain jurisdictions with a population density of greater than 75 people per square mile meeting other specified requirements are exempted;
- areas inside of unincorporated urban growth areas for jurisdictions planning under the GMA and meeting other specified requirements are exempted; and
- areas in unincorporated urban growth areas in counties with an unincorporated population of less than 25,000 people are exempted.

WSDA's authority related to pest and noxious weed control and quarantine measures are not affected.

Organic Materials Management Requirements for Certain Businesses. When determining which counties and cities preparing independent solid waste management plans are serviced by solid waste facilities providing for organic materials management of certain wastes, Ecology must consider whether the facility has year-round capacity to process and is willing to accept increased volumes of organic materials deliveries. Cities and counties must provide a written request and supporting evidence to Ecology when seeking a determination that the businesses in the jurisdiction are exempted from arranging organic materials management services. Ecology must confirm the determination.

The requirement for businesses generating at least four cubic yards of solid waste per week to arrange for organic materials management services beginning January 1, 2026, is amended to instead, apply to businesses generating 96 gallons of organic material waste per week, unless Ecology establishes a different threshold. Wastes generated because of a food safety event, such as a product recall, that is due to foreign material or adverse biological activity that requires landfill destruction rather than organic material management is not



counted when determining business waste volumes. A business is not prohibited from disposing of non-food organic materials that are not commingled with food waste by using the services of an organic materials management facility not accepting food waste.

Collection Bin Requirements. In each jurisdiction planning under state solid waste laws, indoor or outdoor containers provided for collection services must be provided in a color-coded manner to reduce contamination as follows:

- where source-separated recyclable and organic materials are collected separately, a gray or black container may be used only for solid waste collection that is not a source-separated recyclable or organic material;
- where source-separated recyclable and organic materials are not collected separately, a gray or black container may be used for any solid waste;
- a blue container may be used only for source-separated recyclable materials, the contents of which must be transported to an appropriate recycling facility; and
- a green or brown container may be used only for source-separated organic materials and must be transported to an organic materials management facility.

Ecology may adopt rules determining the appropriate containers to be used for materials that could conceivably be placed in multiple containers and whether a different color may be used. Ecology may also adopt rules prohibiting additional waste stream contaminants from being placed in a green, brown, or blue container.

By January 1, 2025, all containers for collection services must bear a clear and conspicuous label on each container or lid specifying what materials are allowed to be placed in the container, which may be satisfied by either a label attached to, or text or a graphic image imprinted on, the container.

The color and identification requirements apply to containers purchased on or after July 1, 2024, however, a jurisdiction or solid waste collection company does not have to replace a functional container:

- with a volume of less than one cubic yard that does not comply with the color requirements until the end of the useful life of the container or January 1, 2036, whichever is sooner; or
- with a volume of at least one cubic yard that existed and was in use as of July 1, 2024, except that a functional container that existed as of July 1, 2024, must be repainted to match the appropriate color requirements when it is next repainted or by January 1, 2030, whichever is sooner.

A jurisdiction or solid waste collection company may provide a container that is split or divided into segregated sections if the lids comply with the color and identification requirements. Definitions for blue container, green or brown container, and gray or black container are provided. For a container with a volume of less than one cubic yard, the body and lid must be painted the same color. For a container with a volume of at least one cubic yard, the lid may be painted the same color as the body or painted black. Unless a local

government implementing a solid waste plan requires uniform green or brown painting of the entire container, the body of a green or brown container may contain a two feet-by-two feet area on one side of the container to display the name, logo, or branding of the container owner, collection company, or government entity associated with the container. A galvanized metal container that is unpainted or silver in appearance is a considered to be a gray container.

Plastic Produce Sticker Study and Product Degradability Requirements. Ecology, in consultation with WSDA, must carry out a study and submit a brief summary report to the Legislature by September 1, 2025, addressing the status of produce sticker technologies, including produce sticker options that do not contain plastic stickers or adhesives that otherwise meet compostability standards. The study must compare and consider the following features of produce stickers and adhesives:

- compostability, including toxic or hazardous substance content;
- performance;
- printability; and
- cost.

Input and information must be solicited from produce producers and packers, sticker and adhesive producers, other jurisdictions with plastic produce sticker standards, and other technical experts.

A product may be labeled as compostable if the product meets ASTM Standard Specification D8410 or is made from only wood, with a fiber-based substrate containing greater than 99 percent fiber and no plastic or polymer additives or coatings.

The prohibition of a producer of plastic film bags sold, offered for sale, or distributed for use in Washington not meeting the applicable ASTM standard specifications against using color schemes required of ASTM-compliant products does not prevent the use of green, brown, or beige stripes that are smaller than one-quarter inch wide and used as visual aids; and green, brown, or beige lettering or logos used solely for brand identity purposes. The prohibition does prevent the use of botanical motifs.

A producer may only label a product as being home compostable if the product has been tested and meets ASTM standards for industrial composting settings, the information is verified by a third-party and supported by scientific evidence, and the product is appropriately labeled.

A city or county that chooses to enforce the plastic product degradability requirements must notify Ecology with a letter of intent stating certain information regarding enforcement in the jurisdiction.

The definition of producer in plastic product degradability laws is amended to provide that if a product is manufactured by a person other than the brand owner, the brand owner is

now assumed to be the producer unless a written brand license or trademark agreement is provided to Ecology showing the responsibility lies with the licensee of the brand or trademark.

Compost Reimbursement, Procurement, and Training. *Compost Reimbursement Program.* Eligible costs for reimbursement under the Compost Reimbursement Program are no longer limited to purchasing and using compost from facilities with solid waste handling permits and may include purchasing and using compost from permit-exempt facilities using food waste feedstocks. To be eligible for reimbursement, compost must comply with certain Ecology requirements. Ecology must attempt to fairly distribute reimbursement funding across different farm size categories, based on determined acreage categories. Maximum reimbursement funding for the largest farm size category must not exceed \$20,000 per fiscal year. A farming operation is not eligible to receive reimbursement for compost products that were not purchased from a permit-exempt facility that composts food waste feedstocks.

*Compost Procurement.* Each city or county adopting a compost procurement ordinance must submit a report to Ecology regarding the previous year's activities by March 31, 2025, and each March 31st. The report must include the facility or facilities used for processing organic material diverted throughout the year.

*Compost Facility Operator Training.* Ecology must amend its rules adopted under solid waste management laws that establish training requirements for compost and anaerobic digester (AD) facility operators to require that compost facility managers and supervisors annually complete at least ten hours of external training, and AD facility managers and operators complete at least ten hours of external training biennially. Virtual training is counted.

Other. Ecology must adopt new rules or amend existing rules requiring AD facilities or other facilities preparing organic materials for delivery to AD facilities to achieve a 90 percent recycling rate for all collected materials, and to develop procedures and criteria to ensure only source-separated organic material feedstocks described will be accepted. The procedures must contain a plan to reject feedstocks contaminated with more than 10 percent physical contaminants, by volume, and a prohibition against knowingly accepting solid waste that cannot be digested. Ecology may require a facility to submit a monthly report demonstrating the 90 percent recycling rate was achieved, and contain other information.

Agricultural, yard, or organic material waste known or likely to be contaminated with clopyralid, aminopyralid, or other similar herbicides, as identified by Ecology, must not be provided to an organic materials management facility for handling as organic or yard waste and may not be used by a facility as an input or feedstock.

Local jurisdictions may amend the Code, as applied to the jurisdiction, to provide for the storage of solid waste by requiring multi-family residential buildings to:

- provide adequate space for the colocation of organic material waste and recycling

- collection containers with garbage containers, or in the absence of colocation, requiring signage notifying residents of where those containers are located;
- identify organic material waste collection containers with appropriate and accurate signage and color to differentiate between containers; and
  - distribute annual waste sorting educational materials to all residents.

Legislative intent language and a severability clause are included.

**EFFECT OF CHANGES MADE BY ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE (First Substitute):**

- Provides legislative intent language regarding certain management option preferences applying to the management of food under the act.
- Specifies that, when referring to tribes and tribal governments entities in the context of projects and entities eligible to receive certain grants, the entities must be federally-recognized.
- Modifies provisions related to the donation grant program to require: (1) Commodities be distributed to hunger relief organizations for use in Washington State; and (2) grants be issued to, and used by, nonprofit organizations rather than nonprofit food cooperative organizations.
- Requires, beginning April 1, 2027, source-separated organic solid waste collection services (collection services) to be provided year-round rather than specify which jurisdictions must provide collection services biweekly or weekly.
- Permits a jurisdiction to grant an exemption from providing collection services to all customers on a non-elective basis, beginning April 1, 2030, if a customer is managing organic material waste on-site or self-hauling its own organic material waste for organic materials management.
- Directs Ecology to adopt standards exempting individuals from only using curbside collection services to discard organic materials by January 1, 2026, rather than allow Ecology to adopt such standards and not provide a date by which it may do so.
- Provides that nothing in the mandated organics management section affects the authority or duties of WSDA related to pest and noxious weed control and quarantine measures.
- Directs Ecology to amend certain rules related to compost and AD facility operator training to require: (1) Compost facility managers and supervisors to annually complete at least ten hours of external training; and (2) AD facility managers and operators to complete at least ten hours of external training every two years. Virtual training is counted.
- Specifies that, when determining waste volumes of certain businesses required to arrange for organic materials management, wastes generated because of certain food safety events do not count.
- Restructures the collection bin color provisions, and amends the different colored container definitions to specify that, unless certain local governments require uniform color standards for an entire container, the body of the container may have an area on

one side, composed of any color that is no larger than two feet by two feet to display information identifying the entity associated with the container.

- Directs Ecology to adopt new rules or amend existing rules relating permitting requirements for AD facilities and other facilities preparing organic materials for delivery to AD facilities, requiring each facility to achieve a 90 percent recycling rate for all collected materials and to develop procedures related to only accepting certain organic materials, in addition to submitting a monthly report.
- Removes the produce sticker provisions in the underlying bill and instead, requires Ecology to, in consultation with WSDA, conduct a study and submit a brief summary report to the Legislature by September 1, 2025, addressing the status of produce sticker technologies, which must consider compostability, performance, printability, and cost.
- Removes the food labeling provisions in the underlying bill.
- Authorizes a product to be labeled as "compostable" if the product meets ASTM Standard D8410 or has a fiber-based substrate of greater than 99 percent fiber rather than 98 percent.
- Provides that eligible compost can be purchased from permit-exempt facilities that compost food waste rather than vegetative waste feedstocks.
- Directs Ecology to attempt to fairly distribute compost reimbursement across different farm sizes, not to exceed \$20,000 per fiscal year for the largest farming operation rather than setting a new calculation method for reimbursement amounts.
- Includes an organization representing food processors on the work group studying food donations by businesses and makes other changes to the items the work group must consider.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on January 31, 2024.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony on Original Bill:** *The committee recommended a different version of the bill than what was heard.* PRO: This bill is a wholistic approach to food waste. The bill builds on the work grocery stores and food establishments have done to get unsold food to food banks. It lifts my spirit to see how much donated food helps individuals, but it breaks my heart to see how much food is wasted while community members go hungry. Food waste creates methane, which harms our environment and climate goals. Residents in densely populated areas should be participating in organics collection on a weekly basis. We do not support the changes to the compost reimbursement program. Any actions we take now to address methane will have an impact on curbing emissions in the future. Grants to reduce food waste are important. Standardizing date labels is a key food waste solution. Almost half of all food waste happens in the home

because people are confused by food date labels. Washington is years behind California in this space. It is working in California. New facilities will not be built if they do not have feedstock, so we need to get this going. This bill encourages food donation by combining generosity, a business plan, and investments. Food is a recyclable that does not have an end-market problem. This bill provides an opportunity to create a strategic, well-organized, and adequately funded effort to reduce food waste. This bill creates jobs and helps our environment. Plastic produce stickers are problematic for composters. Washington should join other jurisdictions in banning these since there are alternatives. Food-soiled napkins and paper towels should be allowed as compostable items in the state. Supporting this bill is supporting material innovation and minimum wage jobs all over the state. Increasing access to compost assists the circular economy. Organic materials collection frequency should be left to the discretion of the local or health jurisdiction. The ick factor is real and will succeed or fail in the kitchen. The European Union is banning plastic produce stickers in the next three years. This bill allows the hunger network to increase capacity by purchasing larger vehicles.

CON: We are concerned about the labeling requirements because we get products from across the U.S. We have questions around the definition of producer. Date labeling standards should occur at the federal level. The sign requirements will not make any valuable difference. A lot of the work group's tasks have already been completed. We agree compostable labels are the right thing to do, but materials in the market and in development do not meet operational efficiencies. Wood and fiber-based labels can contain harmful materials and recommend all labels meet the same composting standards. This bill should be separated into different bills.

OTHER: We would like to have the ability to apply for exemptions from local jurisdictions. We have concerns about the definition of producer in the bill, and the mandates around date labeling and produce stickers. We support the policies in the bill, but it has a fiscal note not recognized in the Governor's budget. The work group created will help us understand how to improve food rescue and access to affordable and culturally appropriate nutrition in Washington. Robust funding in the grant programs will help the state meet its food rescue and climate goals. Mandating weekly collection of organic solid waste increases greenhouse gas emissions from transportation. The five-year waiver is insufficient. We recommend not requiring the replacement of collection containers until the end of the container's useful life, for all container sizes, or to provide funding for replacement. Washington should complete a needs assessment to determine how many more facilities are needed to process this organic waste. California estimates it needs 50-to-100 more facilities. Consolidating colors for collection containers is smart but costly. We would like the mandatory service provisions removed. The bill does not adequately address the difference between food waste and wasted food. Food manufacturers should be added to the work group. There needs to be more discussion on this bill with the agricultural industry, who was not included on the interim work group. No other states have imposed similar produce sticker bans.

**Persons Testifying:** PRO: Senator John Lovick, Prime Sponsor; Jay Blazey, Cedar Grove; Andrea Collins, NRDC (Natural Resources Defense Council); Deepa Sivarajan, Climate Solutions; Tori Oto, Food Law and Policy Clinic, Harvard Law School; Heather Trim, Zero Waste Washington; Aaron Czyzewski , Food Lifeline; Tom French, Northwest Food Alliance; Troy Lautenbach, Skagit Soils; Janet` Thoman, Compost Manufacturing Alliance LLC; Kate Kurtz, Seattle Public Utilities; Jim Holbery, Nvirovate Materials, Inc.; Liv Johansson, Washington Organic Recycling Council (WORC); Scott Smithline, Mill Industries; Brian Pontious, Ingevity; Jay Kang, Thurston County Food Bank; Travis Dutton, Washington State Association of Counties; Ezra Eickmeyer, AWHP.

CON: Brandon Houskeeper, NW Grocery Assoc.; Katie Beeson, Washington Food Industry Association (WFIA); Scott Howarth, Sinclair; Samantha Louderback, Washington Hospitality Association; Peter Godlewski, Association of Washington Business.

OTHER: Rose GUNDERSEN, Washington Retail Association; Peter Lyon, Washington State Department of Ecology; Lewis Griffith, City of Tacoma; Vicki Christophersen, Washington Refuse and Recycling Association; Trish Twomey, Washington Food Coalition; Carl Schroeder, Association of Washington Cities; Chris Cary, Food Northwest; Rick Vahl, Waste Connections; Brendan Flanagan, Consumer Brands Association; Diana Carlen, Washington Potato & Onion Association.

**Persons Signed In To Testify But Not Testifying:** No one.