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**SUBSTITUTE HOUSE BILL 2301**

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**State of Washington**

**68th Legislature**

**2024 Regular Session**

**By** House Environment & Energy (originally sponsored by Representatives Doglio, Fitzgibbon, Duerr, Berry, Ramel, Ormsby, Peterson, Pollet, Macri, Cortes, Shavers, Leavitt, and Kloba)

READ FIRST TIME 01/31/24.

1 AN ACT Relating to improving the outcomes associated with waste  
2 material management systems, including products affecting organic  
3 material management systems; amending RCW 70A.207.020, 70A.214.100,  
4 70A.205.540, 70A.205.545, 70A.455.040, 70A.455.070, 70A.455.090,  
5 15.04.420, and 43.19A.150; reenacting and amending RCW 70A.455.020;  
6 adding new sections to chapter 70A.207 RCW; adding a new section to  
7 chapter 43.23 RCW; adding new sections to chapter 70A.205 RCW; adding  
8 a new section to chapter 70A.455 RCW; adding a new section to chapter  
9 19.27 RCW; creating new sections; and prescribing penalties.

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

11 **PART 1**

12 **INTENT**

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

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

18 (b) Methane is a potent greenhouse gas and landfills are  
19 documented by the United States environmental protection agency to be

1 the 3rd largest human-made source, with food, yard waste, and other  
2 plant-based organic material degrading in landfills to methane;

3 (c) Food waste is a major issue in the United States and  
4 globally, that, according to the food and agriculture organization of  
5 the United Nations, unwanted and discarded food squanders resources,  
6 including water, land, energy, labor, and capital, estimated that  
7 one-third of the food produced in the world for human consumption,  
8 about 1,300,000,000 tons, is lost or wasted every year, and the food  
9 loss and waste in industrialized countries equates to a value of  
10 approximately \$680,000,000,000;

11 (d) The Harvard University food law and policy clinic has  
12 estimated that 40 percent of the food supply in the United States is  
13 not eaten and that according to the United States environmental  
14 protection agency and the United States department of agriculture,  
15 food loss and waste is the single largest component of disposed  
16 municipal solid waste in the United States;

17 (e) In 2015, that the administrator of the United States  
18 environmental protection agency and the secretary of the United  
19 States department of agriculture announced a national goal of  
20 reducing food waste by 50 percent by the year 2030. In 2019,  
21 Washington established the same goal in RCW 70A.205.715;

22 (f) Compost and other products of organic material management  
23 facilities have beneficial applications and can improve soil health,  
24 water quality, and other environmental outcomes. However, in order  
25 for the products of organic material management facilities to lead to  
26 improved environmental outcomes and for the economics of the  
27 operations of these facilities to pencil out, it is important that  
28 inbound sources of organic material waste are free of plastic  
29 contamination, pesticides, and other materials that will reduce  
30 compost quality; and

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

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

38 (a) Creating a variety of grant programs to support food waste  
39 reduction, food rescue, and other organic material management system

1 improvements, including grants to support the implementation of new  
2 policy requirements related to organic material management;

3 (b) Amending solid waste management requirements in support of  
4 improved organic material management outcomes, including through the  
5 statewide standardization of colors and labels for organic,  
6 recycling, and garbage bins, and amending the organic material  
7 management service requirements in local jurisdictions and that apply  
8 to businesses;

9 (c) Standardizing and establishing a clear system of food  
10 expiration date labeling requirements;

11 (d) Prohibiting plastic product stickers and making changes to  
12 product degradability labeling requirements;

13 (e) Amending the state building code in support of organic  
14 material management; and

15 (f) Continuing to discuss how to maximize donations of food from  
16 generators of unwanted edible food.

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

21 (a) Prevents wasted food;

22 (b) Donates or upcycles food;

23 (c) Feeds animals or leaves food unharvested;

24 (d) Composts or anaerobically digests materials with beneficial  
25 use of the digestate or biosolids;

26 (e) Anaerobically digests materials with the disposal of  
27 digestate or biosolids, or applies material to the land; and

28 (f) Sends materials down the drain, to landfills, or incinerates  
29 material, with or without accompanying energy recovery.

## 30 PART 2

### 31 FUNDING FOR SUSTAINABLE FOOD MANAGEMENT PRIORITIES

32 NEW SECTION. **Sec. 201.** A new section is added to chapter  
33 70A.207 RCW to read as follows:

34 CENTER FOR SUSTAINABLE FOOD MANAGEMENT GRANTS. (1) The  
35 department, through the center, must develop and administer grant  
36 programs to support activities that reduce emissions from landfills  
37 and waste-to-energy facilities through the diversion of organic  
38 materials and food waste prevention, rescue, and recovery. Grant

1 programs under this section must be developed and implemented in  
2 consultation with the department of agriculture, and the department  
3 must seek stakeholder input in the design, criteria, and logistics  
4 associated with each grant program. The department must allocate  
5 grant funding across the eligible categories specified in subsection  
6 (2) of this section in a manner consistent with legislative  
7 appropriations, and that achieves the following priorities:

8 (a) Maximizing greenhouse gas emission reductions;

9 (b) Eliminating barriers to the rescue and consumption of edible  
10 food that would otherwise be wasted;

11 (c) Developing stable funding programs for the department to  
12 administer and stable funding opportunities for potential fund  
13 recipients to be aware of; and

14 (d) Preferences the following management options, in order of  
15 most preferred to least preferred:

16 (i) Prevents wasted food;

17 (ii) Donates or upcycles food;

18 (iii) Feeds animals or leaves food unharvested;

19 (iv) Composts or anaerobically digests materials with beneficial  
20 use of the digestate or biosolids;

21 (v) Anaerobically digests materials with the disposal of  
22 digestate or biosolids, or applies material to the land;

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

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

28 (a) Projects to prevent the surplus of unsold, uneaten food from  
29 food businesses or to standardize and improve the operating  
30 procedures associated with food donations, including efforts to  
31 standardize collection bins, provide staff training for food donors  
32 or food rescue organizations, or make other changes to increase the  
33 efficiency or efficacy of food donation procedures. Local  
34 governments, federally recognized Indian tribes and federally  
35 recognized Indian tribal government entities, nonprofit  
36 organizations, and generators of unwanted edible food are eligible  
37 applicants for grants under this subsection. Equipment and  
38 infrastructure purchases, training costs, costs associated with the  
39 development and deployment of operating protocols, and employee staff

1 time reimbursement are eligible uses of grant funding under this  
2 subsection;

3 (b)(i) Projects to improve and reduce the transportation of  
4 donated foods and management of cold chains across the donated food  
5 supply chain, including through food rescue organizations. Local  
6 governments, federally recognized Indian tribes and federally  
7 recognized Indian tribal government entities, nonprofit  
8 organizations, transporters of unwanted edible food, and generators  
9 of unwanted edible food are eligible applicants for grants under this  
10 subsection. Eligible uses of grant funding under this subsection  
11 include the acquisition of vehicles, cold-storage equipment, real  
12 estate, and technology to support donated food storage and  
13 transportation system improvements.

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

18 (c)(i) Grant programs to support the establishment and expansion  
19 of wasted food reduction programs to benefit vulnerable communities.  
20 This grant program must be developed in consultation with the  
21 department of agriculture, the department of health, and food policy  
22 stakeholders.

23 (ii) Nonprofit organizations, businesses, associations, federally  
24 recognized Indian tribes and federally recognized Indian tribal  
25 government entities, and local governments are eligible to receive  
26 grants under this subsection. Eligible uses of the funds may include  
27 community food hub development projects, cold food storage capacity,  
28 refrigerated transport capacity, convenings to inform innovation in  
29 wasted food reduction in retail and food service establishments, and  
30 pilot projects to reduce wasted food. No more than 20 percent of  
31 funds allocated under this subsection (2)(c) may be awarded to a  
32 single grant recipient; and

33 (d) Food waste tracking and analytics pilot project grants. Local  
34 governments, federally recognized Indian tribes and federally  
35 recognized Indian tribal government entities, nonprofit  
36 organizations, transporters of unwanted edible food, and generators  
37 of unwanted edible food are eligible applicants for grants under this  
38 subsection. Eligible uses of grant funding under this subsection  
39 include staff time and technology to improve food waste prevention or  
40 improve tracking of food donations through the food supply chain and

1 to provide data useful to enabling more efficient and effective  
2 outcomes for the provision of food available for rescue.

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

9 (4) The department may award grants to eligible applicants  
10 meeting the minimum qualifying criteria on a competitive basis, or to  
11 applicants on a noncompetitive basis, or both. Within each category  
12 of activity described in subsection (2) of this section, the  
13 department must prioritize grant applications that benefit  
14 overburdened communities as defined in RCW 70A.02.010 as identified  
15 by the department in accordance with RCW 70A.02.050.

16 NEW SECTION. **Sec. 202.** A new section is added to chapter  
17 70A.207 RCW to read as follows:

18 SUSTAINABLE FOOD MANAGEMENT POLICY IMPLEMENTATION GRANTS. (1) The  
19 department, through the center, must develop and administer grant  
20 programs to support the implementation of the requirements of this  
21 act and chapter 180, Laws of 2022, with priority given to grants that  
22 support the implementation of RCW 70A.205.540 and 70A.205.545.  
23 Eligible recipients of grants under this section may include  
24 businesses that are subject to organic material management  
25 requirements, local governments, federally recognized Indian tribes  
26 and federally recognized Indian tribal government entities, nonprofit  
27 organizations, or organic material management facilities. Eligible  
28 expenses by grant recipients include education, outreach, technical  
29 assistance, indoor and outdoor infrastructure, transportation and  
30 processing infrastructure, and enforcement costs.

31 (2) The department may not require, as a condition of financial  
32 assistance under this section, that matching funds be made available  
33 by a local government recipient. The department must provide  
34 assistance to each local government that demonstrates eligibility for  
35 grant assistance under this section.

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

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

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

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

7 (a) Coordinate the implementation of the plan;

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

11 (c) Maintain a website with current food waste reduction  
12 information and guidance for food service establishments, consumers,  
13 food processors, hunger relief organizations, and other sources of  
14 food waste;

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

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

20 (f) Facilitate and coordinate public-private and nonprofit  
21 partnerships focused on food waste reduction, including through  
22 voluntary working groups;

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

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

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

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

35 (j) Research and develop emerging organic materials and food  
36 waste reduction markets;

37 (k)(i) Develop and maintain statewide food waste reduction and  
38 food waste contamination reduction campaigns, in consultation with  
39 other state agencies and other stakeholders, including the  
40 development of waste prevention and food waste recovery promotional

1 materials for distribution. These promotional materials may include  
2 online information, newsletters, bulletins, or handouts that inform  
3 food service establishment operators about the protections from civil  
4 and criminal liability under federal law and under RCW 69.80.031 when  
5 donating food; and

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

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

11 (B) State agencies, including the department of health and the  
12 department of agriculture, in conjunction with their statutory roles  
13 and responsibilities in regulating, monitoring, and supporting safe  
14 food supply chains and systems;

15 (1) Distribute and monitor grants dedicated to food waste  
16 prevention, rescue, and recovery, which must include the programs  
17 described in sections 201 and 202 of this act; (~~and~~)

18 (m) Provide staff support to the work group created in section  
19 702 of this act; and

20 (n) Research and provide education, outreach, and technical  
21 assistance to local governments in support of the adoption of solid  
22 waste ordinances or policies that establish a financial disincentive  
23 for the generation of organic waste and for the ultimate disposal of  
24 organic materials in landfills.

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

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

32 NEW SECTION. Sec. 204. A new section is added to chapter 43.23  
33 RCW to read as follows:

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

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

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

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

10 (c) Give priority to recipient organizations that have at least  
11 five years of experience coordinating the collection and  
12 transportation of donated agricultural products to food bank  
13 distributors, food bank distribution centers, or both, for  
14 redistribution to local hunger relief agencies; and

15 (d) Provide for equitable benefits experienced from the program  
16 by food producers of varying sizes and types, including minority and  
17 vulnerable farmers, including veterans, women, and federally  
18 recognized Indian tribes.

19 (3) The department must issue grants under this section to one or  
20 more nonprofit organizations to acquire food directly from food  
21 producers located in Washington. A recipient nonprofit organization  
22 may use funds under this section to compensate food producers  
23 donating commodities for pick and pack out costs incurred associated  
24 with the production of a food product, including costs of food  
25 product inputs and harvest, and for their marginal postharvest  
26 logistical and administrative costs that facilitate the acquisition  
27 and distribution of the food product by grant recipients.

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

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

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

36 WASTE NOT WASHINGTON AWARDS. (1) The office of waste reduction  
37 shall develop, in consultation with the superintendent of public  
38 instruction, an awards program to achieve waste reduction and  
39 recycling in public schools, and to encourage waste reduction and

1 recycling in private schools, grades kindergarten through high  
2 school. The office shall develop guidelines for program development  
3 and implementation. Each public school shall, and each private school  
4 may, implement a waste reduction and recycling program conforming to  
5 guidelines developed by the office.

6 (2) For the purpose of granting awards, the office may group all  
7 participating schools into not more than three classes, based upon  
8 student population, distance to markets for recyclable materials, and  
9 other criteria, as deemed appropriate by the office. Except as  
10 otherwise provided, five or more awards may be granted to each of the  
11 three classes. Each award shall be no more than ~~((five thousand  
12 dollars))~~ \$10,000. Awards shall be granted each year to the schools  
13 that achieve the greatest levels of waste reduction and recycling. A  
14 single award of not less than ~~((five thousand dollars))~~ \$10,000 may  
15 be presented to the school having the best recycling program as  
16 measured by the total amount of materials recycled, including  
17 materials generated outside of the school. A single award of not less  
18 than ~~((five thousand dollars))~~ \$10,000 may be presented to the school  
19 having the best waste reduction program as determined by the office.  
20 It is the intent of the legislature to consistently and sustainably  
21 allocate at least \$1,000,000 per biennium, continuing over multiple  
22 biennia, to the awards program established in this section.

23 (3) The superintendent of public instruction shall distribute  
24 guidelines and other materials developed by the office to implement  
25 programs to reduce and recycle waste generated in administrative  
26 offices, classrooms, laboratories, cafeterias, and maintenance  
27 operations.

### 28 PART 3

### 29 AMENDMENTS TO SOLID WASTE LAWS

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

32 MANDATED ORGANICS MANAGEMENT. (1) ~~((Beginning January 1, 2027,~~  
33 ~~in))~~ Except as provided in subsection (3) of this section, in each  
34 jurisdiction that implements a local solid waste plan under RCW  
35 70A.205.040:

36 (a) ~~((Source-separated))~~ Beginning April 1, 2027, source-  
37 separated organic solid waste collection services ~~((must))~~ are

1 ~~required to be provided ((at least every other week or at least 26~~  
2 ~~weeks annually)) year-round to:~~

3 (i) All residents; and

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

6 (b) (i) The department may, by waiver, reduce the collection  
7 frequency requirements in (a) of this subsection for the collection  
8 of dehydrated food waste or to address food waste managed through  
9 other circumstances or technologies that will reduce the volume or  
10 odor, or both, of collected food waste.

11 (ii) All organic solid waste collected from residents and  
12 businesses under ~~((a) of)~~ this subsection must be managed through  
13 organic materials management;

14 (c) Beginning April 1, 2030, the source-separated organic solid  
15 waste collection services specified in (a) of this subsection must be  
16 provided to customers on a nonelective basis, except that a  
17 jurisdiction may grant an exemption to a customer that certifies to  
18 the jurisdiction that the customer is managing organic material waste  
19 on-site or self-hauling its own organic material waste for organic  
20 materials management;

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

26 (e) Beginning April 1, 2030, all persons, when using curbside  
27 collection for disposal, may use only source-separated organic solid  
28 waste collection services to discard unwanted organic materials. By  
29 January 1, 2026, the department must adopt standards under which  
30 local jurisdictions may exempt persons from this requirement if  
31 organic materials will be managed through an alternative mechanism  
32 that provides equal or better environmental outcomes. Nothing in this  
33 section precludes the ability of a person to use on-site composting,  
34 the diversion of organic materials to animal feed, self-haul organic  
35 materials to a facility, or other means of beneficially managing  
36 unwanted organic materials.

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

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

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

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

8 ~~(iii) The jurisdiction has a total population between 25,000 and~~  
9 ~~50,000 people and curbside organic solid waste collection services~~  
10 ~~are not offered in any area within the jurisdiction, as of July 1,~~  
11 ~~2022)).~~

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

13 (i) In census tracts that have a population density of less than  
14 75 people per square mile that are serviced by the jurisdiction and  
15 located in unincorporated portions of a county, as determined by the  
16 department, in counties not planning under chapter 36.70A RCW;  
17 ((and))

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

24 (iii) Outside of urban growth areas designated pursuant to RCW  
25 36.70A.110 in unincorporated portions of a county planning under  
26 chapter 36.70A RCW;

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

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

32 (c) In addition to the exemptions in (a) and (b) of this  
33 subsection, the department may issue a renewable waiver to  
34 jurisdictions or portions of a jurisdiction under this subsection for  
35 up to five years, based on consideration of factors including the  
36 distance to organic materials management facilities, the sufficiency  
37 of the capacity to manage organic materials at facilities to which  
38 organic materials could feasibly and economically be delivered from  
39 the jurisdiction, and restrictions in the transport of organic  
40 materials under chapter 17.24 RCW. The department may adopt rules to

1 specify the type of information that a waiver applicant must submit  
2 to the department and to specify the department's process for  
3 reviewing and approving waiver applications.

4 (d) Beginning January 1, 2030, the department may adopt a rule to  
5 require that the provisions of this section apply in the  
6 jurisdictions identified in (b) and (c) of this subsection, but only  
7 if the department determines that the goals established in RCW  
8 70A.205.007(1) have not or will not be achieved.

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

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

15 NEW SECTION. **Sec. 302.** A new section is added to chapter  
16 70A.205 RCW to read as follows:

17 COMPOST FACILITY OPERATOR TRAINING. (1) The department must amend  
18 its rules adopted under this chapter that establish training  
19 requirements for compost and anaerobic digester facility operators  
20 including, but not limited to, WAC 173-350-220 and 173-350-250, as  
21 they existed as of the effective date of this section, to require  
22 that:

23 (a) Compost facility managers and supervisors annually complete  
24 at least 10 hours of training from organizations or training  
25 providers other than the facility operator; and

26 (b) Anaerobic digester facility managers and operators complete  
27 at least 10 hours of training every two years from organizations or  
28 training providers other than the facility operator.

29 (2) A training offered to participants in a virtual format may  
30 count toward training requirements under this section.

31 **Sec. 303.** RCW 70A.205.545 and 2022 c 180 s 201 are each amended  
32 to read as follows:

33 BUSINESS DIVERSION. (1)(a) Beginning July 1, 2023, and each July  
34 1st thereafter, the department must determine which counties and any  
35 cities preparing independent solid waste management plans:

36 (i) Provide for businesses to be serviced by providers that  
37 collect food waste and organic material waste for delivery to solid

1 waste facilities that provide for the organic materials management of  
2 organic material waste and food waste; and

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

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

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

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

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

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

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

31 (d) The requirements of this section may be enforced by  
32 jurisdictional health departments consistent with this chapter,  
33 except that:

34 (i) A jurisdictional health department may not charge a fee to  
35 permit holders to cover the costs of the jurisdictional health  
36 department's administration or enforcement of the requirements of  
37 this section; and

38 (ii) Prior to issuing a penalty under this section, a  
39 jurisdictional health department must provide at least two written  
40 notices of noncompliance with the requirements of this section to the

1 owner or operator of a business subject to the requirements of this  
2 section.

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

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

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

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

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

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

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

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

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

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

38 (a) Source separating organic material waste from other waste,  
39 subscribing to a service that includes organic material waste

1 collection and organic materials management, and using such a service  
2 for organic material waste generated by the business;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 (ii) "Business" does not include a multifamily residential  
24 entity.

25 (b) "Food waste" has the same meaning as defined in RCW  
26 70A.205.715.

27 NEW SECTION. **Sec. 304.** A new section is added to chapter  
28 70A.205 RCW to read as follows:

29 BIN COLORS. (1) The requirements of this section apply to  
30 containers purchased on or after July 1, 2024.

31 (a) A jurisdiction or solid waste collection company is not  
32 required to replace functional containers with a volume of less than  
33 one cubic yard, including containers purchased prior to July 1, 2024,  
34 that do not comply with the color requirements of this section prior  
35 to the end of the useful life of those containers or prior to January  
36 1, 2036, whichever comes first.

37 (b) A jurisdiction or solid waste collection company is not  
38 required to replace functional containers with a volume of at least  
39 one cubic yard that existed and were in service as of July 1, 2024.

1 However, a functional container that existed as of July 1, 2024, must  
2 be repainted in a manner that matches the appropriate color  
3 requirements of this section when it is next repainted or by January  
4 1, 2030, whichever comes first.

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

11 (a) (i) In a jurisdiction where source-separated recyclable  
12 materials and source-separated organic materials are collected  
13 separately, a gray or black container may be used only for the  
14 collection of solid waste that is not a source-separated recyclable  
15 material or a source-separated organic material;

16 (ii) In a jurisdiction where source-separated recyclable  
17 materials or organic materials are not collected separately, a gray  
18 or black container may be used for any solid waste, including organic  
19 material or recyclable material that is not separately collected in  
20 the jurisdiction.

21 (b) A blue container may be used only for source-separated  
22 recyclable materials. The contents of the blue container must be  
23 transported to a facility that recovered the materials designated for  
24 collection in the blue container.

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

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

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

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

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

1 (b) Imprinted text or graphic images that indicate the primary  
2 materials accepted and the primary materials prohibited in that  
3 container.

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

7 (5) A jurisdiction or solid waste collection company may comply  
8 with the requirements of this section by providing a container or  
9 containers that are split or divided into segregated sections,  
10 instead of an entire container, as long as the lids of the separate  
11 sections of a split container comply with the container color  
12 requirements and material limitations specified in this section.

13 (6) Carpets, noncompostable paper, and hazardous wood waste may  
14 not be collected in a green or brown container. Hazardous wood waste  
15 may not be collected in a blue container. The department may adopt  
16 rules to prohibit additional waste stream contaminants from being  
17 placed in a green or brown container or a blue container.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 NEW SECTION. **Sec. 305.** A new section is added to chapter  
35 70A.205 RCW to read as follows:

36 ORGANIC MATERIALS TREATED WITH CLOPYRALID AND AMINOPYRALID BANNED  
37 AS COMPOST FEEDSTOCKS. (1) Agricultural waste, yard waste, or other  
38 organic material waste known or likely to be contaminated with  
39 clopyralid, aminopyralid, or other similar herbicides in the

1 picolinic acid family, as identified by the department by rule, must  
2 not be provided to an organic materials management facility for  
3 handling as organic or yard waste and may not be used by an organic  
4 materials management facility as an input or feedstock.

5 (2) To the extent that the requirements of this section conflict  
6 with the requirements applicable to clopyralid, aminopyralid, or  
7 other similar herbicides in the picolinic acid family adopted by the  
8 United States environmental protection agency under the federal  
9 insecticide, rodenticide, and fungicide act, the requirements of the  
10 federal regulations take precedence and may be enforced by the  
11 department of agriculture under chapter 15.58 RCW.

#### 12 **PART 4**

#### 13 **STATUS ASSESSMENT OF PRODUCE STICKER TECHNOLOGIES**

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

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

24 (a) Compostability, including toxic or hazardous substance  
25 content;

26 (b) Performance;

27 (c) Printability; and

28 (d) Cost.

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

31 (a) Produce producers and packers;

32 (b) Sticker and adhesive producers;

33 (c) Other states, countries, or subnational jurisdictions that  
34 have adopted standards restricting plastic produce stickers; and

35 (d) Other technical experts.

#### 36 **PART 5**

#### 37 **PRODUCT DEGRADABILITY RESTRICTIONS**

1       **Sec. 501.**     RCW 70A.455.020 and 2022 c 180 s 802 are each  
2 reenacted and amended to read as follows:

3       COMPOSTABLE PRODUCT LABELING DEFINITIONS. The definitions in this  
4 section apply throughout this chapter unless the context clearly  
5 requires otherwise.

6       (1) "ASTM" means the American society for testing and materials.

7       (2) "Biodegradable mulch film" means film plastic used as a  
8 technical tool in commercial farming applications that biodegrades in  
9 soil after being used, and:

10      (a) The film product fulfills plant growth and regulated metals  
11 requirements of ASTM D6400; and

12      (b)(i) Meets the requirements of Vincotte's "OK Biodegradable  
13 Soil" certification scheme, as that certification existed as of  
14 January 1, 2019;

15      (ii) At ambient temperatures and in soil, shows at least 90  
16 percent biodegradation absolute or relative to microcrystalline  
17 cellulose in less than two years' time, tested according to ISO 17556  
18 or ASTM 5988 standard test methods, as those test methods existed as  
19 of January 1, 2019; or

20      (iii) Meets the requirements of EN 17033 "plastics-biodegradable  
21 mulch films for use in agriculture and horticulture" as it existed on  
22 January 1, 2019.

23      (3) "Department" means the department of ecology.

24      (4) "Federal trade commission guides" means the United States  
25 federal trade commission's guides for the use of environmental  
26 marketing claims (Part 260, commencing at section 260.1),  
27 compostability claims, including section 260.8, and degradation  
28 claims (subchapter B of chapter I of Title 16 of the Code of Federal  
29 Regulations), as those guides existed as of January 1, 2019.

30      (5) "Film product" means a bag, sack, wrap, or other sheet film  
31 product.

32      (6) "Food service product" has the same meaning as defined in RCW  
33 70A.245.010.

34      (7) "Person" means individual, firm, association, copartnership,  
35 political subdivision, government agency, municipality, industry,  
36 public or private corporation, or any other entity whatsoever.

37      (8) "Plastic food packaging and food service products" means food  
38 packaging and food service products that is composed of:

39      (a) Plastic; or

1 (b) Fiber or paper with a plastic coating, window, component, or  
2 additive.

3 (9) "Plastic product" means a product made of plastic, whether  
4 alone or in combination with another material including, but not  
5 limited to, paperboard. A plastic product includes, but is not  
6 limited to, any of the following:

7 (a) A product or part of a product that is used, bought, or  
8 leased for use by a person for any purpose;

9 (b) A package or a packaging component including, but not limited  
10 to, packaging peanuts;

11 (c) A film product; or

12 (d) Plastic food packaging and food service products.

13 (10) "Producer" means the following person responsible for  
14 compliance under this chapter for a product sold, offered for sale,  
15 or distributed in or into this state:

16 (a) If the product is sold under the manufacturer's own brand or  
17 lacks identification of a brand, the producer is the person who  
18 manufactures the product;

19 (b) If the product is manufactured by a person other than the  
20 brand owner, the ~~((producer is the person that is the licensee of a  
21 brand or trademark under which a product is used in a commercial  
22 enterprise, sold, offered for sale, or distributed in or into this  
23 state, whether or not the trademark is registered in this state,  
24 unless the manufacturer or brand owner of the product has agreed to  
25 accept responsibility under this chapter)) brand owner is assumed to  
26 be the producer unless a written brand license or trademark agreement  
27 is provided to the department showing the responsibility lies with  
28 the licensee of the brand or trademark; or~~

29 (c) If there is no person described in (a) and (b) of this  
30 subsection over whom the state can constitutionally exercise  
31 jurisdiction, the producer is the person who imports or distributes  
32 the product in or into the state.

33 (11) "Standard specification" means either:

34 (a) ASTM D6400 - standard specification labeling of plastics  
35 designed to be aerobically composted in municipal or industrial  
36 facilities, as it existed as of January 1, 2019; ~~((~~or~~))~~

37 (b) ASTM D6868 - standard specification for labeling of end items  
38 that incorporate plastics and polymers as coatings or additives with  
39 paper and other substrates designed to be aerobically composted in

1 municipal or industrial facilities, as it existed as of January 1,  
2 2019; or

3 (c) ASTM D8410 - standard specification evaluation of cellulosic  
4 fiber-based packaging materials and products for compostability in  
5 municipal or industrial aerobic composting facilities, as it existed  
6 as of January 1, 2024.

7 (12) "Utensil" means a product designed to be used by a consumer  
8 to facilitate the consumption of food or beverages, including knives,  
9 forks, spoons, cocktail picks, chopsticks, splash sticks, and  
10 stirrers.

11 **Sec. 502.** RCW 70A.455.040 and 2022 c 180 s 803 are each amended  
12 to read as follows:

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

16 (a) Meet ASTM standard specification D6400;

17 (b) Meet ASTM standard specification D6868; (~~(e)~~)

18 (c) Meet ASTM standard specification D8410; or

19 (d) Be comprised only of wood, which includes renewable wood, or  
20 a fiber-based substrate (~~only~~) that contains:

21 (i) Greater than 99 percent fiber; and

22 (ii) No plastic or polymer additives or coatings.

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

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

27 (b) Feature labeling that:

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

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

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

36 (iv) Uses green, beige, or brown labeling, color striping, or  
37 other green, beige, or brown symbols, colors, tinting, marks, or  
38 design patterns that help differentiate compostable items from  
39 noncompostable items.

1       **Sec. 503.** RCW 70A.455.070 and 2022 c 180 s 806 are each amended  
2 to read as follows:

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

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

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

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

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

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

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

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

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

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

35       (b)(i) The prohibition in subsection (1)(a) of this section on  
36 "color schemes" does not preclude the use of:

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

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

1 (ii) The prohibition in subsection (1)(a) of this section on  
2 color schemes does prohibit the use of botanical motifs, such as  
3 leaves or vines that are colored green, brown, or beige, or any  
4 combination of these colors or shapes.

5 NEW SECTION. Sec. 504. A new section is added to chapter  
6 70A.455 RCW to read as follows:

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

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

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

13 (3) The product is otherwise labeled in a manner consistent with  
14 the requirements of this chapter, including RCW 70A.455.030,  
15 70A.455.040, or 70A.455.050, as appropriate;

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

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

22 **Sec. 505.** RCW 70A.455.090 and 2022 c 180 s 808 are each amended  
23 to read as follows:

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

36 (b) The enforcement of this chapter must be based primarily on  
37 complaints filed with the department and cities and counties. The  
38 department must establish a forum for the filing of complaints.

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

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

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

16 (ii) The geographic boundaries within which the enforcement  
17 activities are planned; and

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

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

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

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

29 **PART 6**  
30 **COMPOST PURCHASES**

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

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

1 labor, fuel, and maintenance costs associated with spreading  
2 equipment. The grant reimbursements under the program begin July 1,  
3 2023.

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

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

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

1 applicant must also declare that it is not seeking reimbursement for  
2 purchase or labor costs for:

3 (a) Its own compost products; or

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

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

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

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

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

23 (c) (~~A farming operation is not eligible to receive more than~~  
24 ~~\$10,000 per fiscal year~~) The department must attempt to achieve fair  
25 distribution of reimbursement funding across different farm size  
26 categories, based on acreage categories determined by the department,  
27 and which is not to exceed a maximum of \$20,000 per fiscal year for  
28 the largest farming operation category determined by the department;

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

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

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

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

6 (a) Facilitate the division and distribution of available costs  
7 for reimbursement; and

8 (b) Manage the day-to-day coordination of the compost  
9 reimbursement program.

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

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

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

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

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

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

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

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

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

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

39 (a) Landscaping projects;

1 (b) Construction and postconstruction soil amendments;

2 (c) Applications to prevent erosion, filter stormwater runoff,  
3 promote vegetation growth, or improve the stability and longevity of  
4 roadways; and

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

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

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

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

20 (b) The volume and cost of compost purchased throughout the year;  
21 and

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

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

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

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

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

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

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

37 **PART 7**

38 **MISCELLANEOUS**

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

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

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

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

17        (3) Distribute annual waste sorting educational materials to all  
18   residents.

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

26        (a) Logistics to phase in edible food donation programs,  
27   including incentives;

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

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

34        (d) Actions taken, costs, and lessons learned by other  
35   jurisdictions in the United States that have enacted policies focused  
36   on reducing edible commercially generated food waste and from  
37   voluntary pilot projects carried out by commercial generators of food  
38   waste.

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

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

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

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

16 (c) An environmental nonprofit organization that specializes in  
17 waste and recycling issues;

18 (d) A statewide organization representing hospitality businesses;

19 (e) A retail grocery association;

20 (f) The department of ecology;

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

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

25 (i) The department of agriculture;

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

27 (k) The department of health;

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

29 (m) An organization representing food processors;

30 (n) A technology company currently focused on food rescue in  
31 Washington; and

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

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

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

--- **END** ---