
HOUSE BILL 2301

State of Washington

68th Legislature

2024 Regular Session

By Representatives Doglio, Fitzgibbon, Duerr, Berry, Ramel, Ormsby, Peterson, Pollet, Macri, Cortes, Shavers, Leavitt, and Kloba

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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, 15.130.300, 15.130.550, 70A.455.040,
5 70A.455.070, 70A.455.090, 15.04.420, and 43.19A.150; reenacting and
6 amending RCW 70A.455.020; adding new sections to chapter 70A.207 RCW;
7 adding a new section to chapter 43.23 RCW; adding new sections to
8 chapter 70A.205 RCW; adding a new section to chapter 15.130 RCW;
9 adding new sections to chapter 70A.455 RCW; adding a new section to
10 chapter 19.27 RCW; creating new sections; and prescribing penalties.

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

12 **PART 1**

13 **INTENT**

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

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

19 (b) Methane is a potent greenhouse gas and landfills are
20 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 **PART 2**

18 **FUNDING FOR SUSTAINABLE FOOD MANAGEMENT PRIORITIES**

19 NEW SECTION. **Sec. 201.** A new section is added to chapter
20 70A.207 RCW to read as follows:

21 CENTER FOR SUSTAINABLE FOOD MANAGEMENT GRANTS. (1) The
22 department, through the center, must develop and administer grant
23 programs to support activities that reduce emissions from landfills
24 and waste-to-energy facilities through the diversion of organic
25 materials and food waste prevention, rescue, and recovery. Grant
26 programs under this section must be developed and implemented in
27 consultation with the department of agriculture, and the department
28 must seek stakeholder input in the design, criteria, and logistics
29 associated with each grant program. The department must allocate
30 grant funding across the eligible categories specified in subsection
31 (2) of this section in a manner consistent with legislative
32 appropriations, and that achieves the following priorities:

33 (a) Maximizing greenhouse gas emission reductions;

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

36 (c) Developing stable funding programs for the department to
37 administer and stable funding opportunities for potential fund
38 recipients to be aware of; and

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

3 (i) Prevents wasted food;

4 (ii) Donates or upcycles food;

5 (iii) Feeds animals or leaves food unharvested;

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

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

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

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

15 (a) Projects to prevent the surplus of unsold, uneaten food from
16 food businesses or to standardize and improve the operating
17 procedures associated with food donations, including efforts to
18 standardize collection bins, provide staff training for food donors
19 or food rescue organizations, or make other changes to increase the
20 efficiency or efficacy of food donation procedures. Local
21 governments, tribes and tribal government entities, nonprofit
22 organizations, and generators of unwanted edible food are eligible
23 applicants for grants under this subsection. Equipment and
24 infrastructure purchases, training costs, costs associated with the
25 development and deployment of operating protocols, and employee staff
26 time reimbursement are eligible uses of grant funding under this
27 subsection;

28 (b) (i) Projects to improve and reduce the transportation of
29 donated foods and management of cold chains across the donated food
30 supply chain, including through food rescue organizations. Local
31 governments, tribes and tribal government entities, nonprofit
32 organizations, transporters of unwanted edible food, and generators
33 of unwanted edible food are eligible applicants for grants under this
34 subsection. Eligible uses of grant funding under this subsection
35 include the acquisition of vehicles, cold-storage equipment, real
36 estate, and technology to support donated food storage and
37 transportation system improvements.

38 (ii) Grants under this subsection (2) (b) may not be used for the
39 purchase or lease of equipment that relies on a fuel source other

1 than electricity or the purchase or lease of vehicles other than
2 zero-emission vehicles;

3 (c)(i) Grant programs to support the establishment and expansion
4 of wasted food reduction programs to benefit vulnerable communities.
5 This grant program must be developed in consultation with the
6 department of agriculture, the department of health, and food policy
7 stakeholders.

8 (ii) Nonprofit organizations, businesses, associations, tribes
9 and tribal government entities, and local governments are eligible to
10 receive grants under this subsection. Eligible uses of the funds may
11 include community food hub development projects, cold food storage
12 capacity, refrigerated transport capacity, convenings to inform
13 innovation in wasted food reduction in retail and food service
14 establishments, and pilot projects to reduce wasted food. No more
15 than 20 percent of funds allocated under this subsection (2)(c) may
16 be awarded to a single grant recipient; and

17 (d) Food waste tracking and analytics pilot project grants. Local
18 governments, tribes and tribal government entities, nonprofit
19 organizations, transporters of unwanted edible food, and generators
20 of unwanted edible food are eligible applicants for grants under this
21 subsection. Eligible uses of grant funding under this subsection
22 include staff time and technology to improve food waste prevention or
23 improve tracking of food donations through the food supply chain and
24 to provide data useful to enabling more efficient and effective
25 outcomes for the provision of food available for rescue.

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

32 (4) The department may award grants to eligible applicants
33 meeting the minimum qualifying criteria on a competitive basis, or to
34 applicants on a noncompetitive basis, or both. Within each category
35 of activity described in subsection (2) of this section, the
36 department must prioritize grant applications that benefit
37 overburdened communities as defined in RCW 70A.02.010 as identified
38 by the department in accordance with RCW 70A.02.050.

1 NEW SECTION. **Sec. 202.** A new section is added to chapter
2 70A.207 RCW to read as follows:

3 SUSTAINABLE FOOD MANAGEMENT POLICY IMPLEMENTATION GRANTS. (1) The
4 department, through the center, must develop and administer grant
5 programs to support the implementation of the requirements of this
6 act and chapter 180, Laws of 2022, with priority given to grants that
7 support the implementation of RCW 70A.205.540 and 70A.205.545.
8 Eligible recipients of grants under this section may include
9 businesses that are subject to organic material management
10 requirements, local governments, tribes and tribal government
11 entities, nonprofit organizations, or organic material management
12 facilities. Eligible expenses by grant recipients include education,
13 outreach, technical assistance, indoor and outdoor infrastructure,
14 transportation and processing infrastructure, and enforcement costs.

15 (2) The department may not require, as a condition of financial
16 assistance under this section, that matching funds be made available
17 by a local government recipient. The department must provide
18 assistance to each local government that demonstrates eligibility for
19 grant assistance under this section.

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

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

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

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

28 (a) Coordinate the implementation of the plan;

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

32 (c) Maintain a website with current food waste reduction
33 information and guidance for food service establishments, consumers,
34 food processors, hunger relief organizations, and other sources of
35 food waste;

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

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

4 (f) Facilitate and coordinate public-private and nonprofit
5 partnerships focused on food waste reduction, including through
6 voluntary working groups;

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

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

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

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

19 (j) Research and develop emerging organic materials and food
20 waste reduction markets;

21 (k)(i) Develop and maintain statewide food waste reduction and
22 food waste contamination reduction campaigns, in consultation with
23 other state agencies and other stakeholders, including the
24 development of waste prevention and food waste recovery promotional
25 materials for distribution. These promotional materials may include
26 online information, newsletters, bulletins, or handouts that inform
27 food service establishment operators about the protections from civil
28 and criminal liability under federal law and under RCW 69.80.031 when
29 donating food; and

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

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

35 (B) State agencies, including the department of health and the
36 department of agriculture, in conjunction with their statutory roles
37 and responsibilities in regulating, monitoring, and supporting safe
38 food supply chains and systems;

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

4 (m) Provide staff support to the work group created in section
5 702 of this act; and

6 (n) Research and provide education, outreach, and technical
7 assistance to local governments in support of the adoption of solid
8 waste ordinances or policies that establish a financial disincentive
9 for the generation of organic waste and for the ultimate disposal of
10 organic materials in landfills.

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

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

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

20 WASHINGTON COMMODITIES DONATION GRANT PROGRAM. (1) The department
21 must implement the Washington commodities donation grant program
22 established in this section. The purpose of the program is to procure
23 Washington grown produce, grains, and protein otherwise at risk of
24 ending up as food waste for distribution to hunger relief
25 organizations.

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

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

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

35 (c) Give priority to recipient organizations that have at least
36 five years of experience coordinating the collection and
37 transportation of donated agricultural products to food bank
38 distributors, food bank distribution centers, or both, for
39 redistribution to local hunger relief agencies; and

1 (d) Provide for equitable benefits experienced from the program
2 by food producers of varying sizes and types, including minority and
3 vulnerable farmers, including veterans, women, and tribes.

4 (3) The department must issue grants under this section to one or
5 more nonprofit food cooperative organizations to acquire food
6 directly from food producers located in Washington. A recipient
7 nonprofit and food cooperative organization may use funds under this
8 section to compensate food producers donating commodities for pick
9 and pack out costs incurred associated with the production of a food
10 product, including costs of food product inputs and harvest, and for
11 their marginal postharvest logistical and administrative costs that
12 facilitate the acquisition and distribution of the food product by
13 grant recipients.

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

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

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

22 WASTE NOT WASHINGTON AWARDS. (1) The office of waste reduction
23 shall develop, in consultation with the superintendent of public
24 instruction, an awards program to achieve waste reduction and
25 recycling in public schools, and to encourage waste reduction and
26 recycling in private schools, grades kindergarten through high
27 school. The office shall develop guidelines for program development
28 and implementation. Each public school shall, and each private school
29 may, implement a waste reduction and recycling program conforming to
30 guidelines developed by the office.

31 (2) For the purpose of granting awards, the office may group all
32 participating schools into not more than three classes, based upon
33 student population, distance to markets for recyclable materials, and
34 other criteria, as deemed appropriate by the office. Except as
35 otherwise provided, five or more awards may be granted to each of the
36 three classes. Each award shall be no more than (~~five thousand~~
37 ~~dollars~~) \$10,000. Awards shall be granted each year to the schools
38 that achieve the greatest levels of waste reduction and recycling. A
39 single award of not less than (~~five thousand dollars~~) \$10,000 may

1 be presented to the school having the best recycling program as
2 measured by the total amount of materials recycled, including
3 materials generated outside of the school. A single award of not less
4 than ~~((five thousand dollars))~~ \$10,000 may be presented to the school
5 having the best waste reduction program as determined by the office.
6 It is the intent of the legislature to consistently and sustainably
7 allocate at least \$1,000,000 per biennium, continuing over multiple
8 biennia, to the awards program established in this section.

9 (3) The superintendent of public instruction shall distribute
10 guidelines and other materials developed by the office to implement
11 programs to reduce and recycle waste generated in administrative
12 offices, classrooms, laboratories, cafeterias, and maintenance
13 operations.

14 PART 3

15 AMENDMENTS TO SOLID WASTE LAWS

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

18 MANDATED ORGANICS MANAGEMENT. (1) ~~((Beginning January 1, 2027,~~
19 ~~in))~~ Except as provided in subsection (3) of this section, in each
20 jurisdiction that implements a local solid waste plan under RCW
21 70A.205.040:

22 (a) ~~((Source-separated))~~ Beginning April 1, 2027, source-
23 separated organic solid waste collection services ((must)) are
24 required to be provided at least every other week or at least 26
25 weeks annually in jurisdictions not accepting food waste and, except
26 for jurisdictions accepting food waste to which the department
27 provides a five-year waiver from this requirement under (b)(ii) of
28 this subsection, 52 weeks annually in jurisdictions accepting food
29 waste to:

30 (i) All residents; and

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

33 (b)(i) The department may, by waiver, reduce the collection
34 frequency requirements in (a) of this subsection for the collection
35 of dehydrated food waste or to address food waste managed through
36 other circumstances or technologies that will reduce the volume or
37 odor, or both, of collected food waste.

1 (ii) A jurisdiction may request a five-year waiver from the
2 department from the requirement in (a) of this subsection that the
3 jurisdiction collect food waste 52 weeks annually, based on
4 consideration of seasonal needs or the constitution of the food
5 waste.

6 (iii) All organic solid waste collected from residents and
7 businesses under ((a)–(f)) this subsection must be managed through
8 organic materials management;

9 (c) Beginning April 1, 2030, the source-separated organic solid
10 waste collection services specified in (a) of this subsection must be
11 provided to customers on a nonelective basis;

12 (d) Beginning April 1, 2030, each jurisdiction's source-separated
13 organic solid waste collection service must include the acceptance of
14 food waste. The jurisdiction may choose to collect food waste source-
15 separated from other organic materials or may collect food waste
16 commingled with other organic materials; and

17 (e) Beginning April 1, 2030, all persons may use only source-
18 separated organic solid waste collection services to discard unwanted
19 organic materials via curbside collection. The department may adopt
20 standards under which local jurisdictions may exempt persons from
21 this requirement if organic materials will be managed through an
22 alternative mechanism that provides equal or better environmental
23 outcomes. Nothing in this section precludes the ability of a person
24 to use on-site composting, the diversion of organic materials to
25 animal feed, self-haul organic materials to a facility, or other
26 means of beneficially managing unwanted organic materials.

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

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

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

36 (ii) The jurisdiction has a total population of less than 25,000
37 people(~~;~~~~–~~~~or~~

38 ~~(iii) The jurisdiction has a total population between 25,000 and~~
39 ~~50,000 people and curbside organic solid waste collection services~~

1 ~~are not offered in any area within the jurisdiction, as of July 1,~~
2 ~~2022)).~~

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

4 (i) In census tracts that have a population density of less than
5 75 people per square mile that are serviced by the jurisdiction and
6 located in unincorporated portions of a county, as determined by the
7 department, in counties not planning under chapter 36.70A RCW;
8 ~~((and))~~

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

15 (iii) Outside of urban growth areas designated pursuant to RCW
16 36.70A.110 in unincorporated portions of a county planning under
17 chapter 36.70A RCW;

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

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

23 (c) In addition to the exemptions in (a) and (b) of this
24 subsection, the department may issue a renewable waiver to
25 jurisdictions or portions of a jurisdiction under this subsection for
26 up to five years, based on consideration of factors including the
27 distance to organic materials management facilities, the sufficiency
28 of the capacity to manage organic materials at facilities to which
29 organic materials could feasibly and economically be delivered from
30 the jurisdiction, and restrictions in the transport of organic
31 materials under chapter 17.24 RCW. The department may adopt rules to
32 specify the type of information that a waiver applicant must submit
33 to the department and to specify the department's process for
34 reviewing and approving waiver applications.

35 (d) Beginning January 1, 2030, the department may adopt a rule to
36 require that the provisions of this section apply in the
37 jurisdictions identified in (b) and (c) of this subsection, but only
38 if the department determines that the goals established in RCW
39 70A.205.007(1) have not or will not be achieved.

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

4 NEW SECTION. **Sec. 302.** A new section is added to chapter
5 70A.205 RCW to read as follows:

6 COMPOST FACILITY OPERATOR TRAINING. The department must amend its
7 rules adopted under this chapter that establish training requirements
8 for compost and anaerobic digester facility operators including, but
9 not limited to, WAC 173-350-220 and 173-350-250, as they existed as
10 of the effective date of this section, to require that facility
11 managers and supervisors annually complete at least 10 hours of
12 organic materials management training from organizations or training
13 providers other than the facility operator.

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

16 BUSINESS DIVERSION. (1)(a) Beginning July 1, 2023, and each July
17 1st thereafter, the department must determine which counties and any
18 cities preparing independent solid waste management plans:

19 (i) Provide for businesses to be serviced by providers that
20 collect food waste and organic material waste for delivery to solid
21 waste facilities that provide for the organic materials management of
22 organic material waste and food waste; and

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

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

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

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

37 (ii)(A) In the event that a county or city provides a written
38 ~~((notification))~~ request and supporting evidence to the department

1 (~~indicating~~) determining that the criteria of (b)(i)(A) of this
2 subsection are met, and the department confirms this determination,
3 then the restrictions of this section apply only in those portions of
4 the jurisdiction that have available service-providing businesses.

5 (B) In the event that a county or city provides a written
6 (~~notification~~) request and supporting evidence to the department
7 (~~indicating~~) determining that the criteria of (b)(i)(B) of this
8 subsection are met, and the department confirms this determination,
9 then the restrictions of this section do not apply to the
10 jurisdiction.

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

13 (d) The requirements of this section may be enforced by
14 jurisdictional health departments consistent with this chapter,
15 except that:

16 (i) A jurisdictional health department may not charge a fee to
17 permit holders to cover the costs of the jurisdictional health
18 department's administration or enforcement of the requirements of
19 this section; and

20 (ii) Prior to issuing a penalty under this section, a
21 jurisdictional health department must provide at least two written
22 notices of noncompliance with the requirements of this section to the
23 owner or operator of a business subject to the requirements of this
24 section.

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

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

33 (iii) Beginning January 1, 2026, a business that generates at
34 least (~~four cubic yards of solid~~) 96 gallons of organic material
35 waste per week shall arrange for organic materials management
36 services specifically for organic material waste, unless the
37 department determines, by rule, that additional reductions in the
38 landfilling of organic materials would be more appropriately and
39 effectively achieved, at reasonable cost to regulated businesses,
40 through the establishment of a different volumetric threshold of

1 (~~solid waste or~~) organic waste material (~~waste~~) than the
2 threshold of (~~four cubic yards of solid~~) 96 gallons of organic
3 material waste per week.

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

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

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

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

13 (iv) Wastes generated in exceptional volumes as a result of a
14 natural disaster or other infrequent and unpreventable event.

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

16 (a) Source separating organic material waste from other waste,
17 subscribing to a service that includes organic material waste
18 collection and organic materials management, and using such a service
19 for organic material waste generated by the business;

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

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

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

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

32 (b) Nothing in this section requires a business to dispose of
33 materials in a manner that conflicts with federal or state public
34 health or safety requirements. Nothing in this section requires
35 businesses to dispose of wastes generated in exceptional volumes as a
36 result of a natural disaster or other infrequent and unpreventable
37 event through the options established in subsection (3) of this
38 section. Nothing in this section prohibits a business from disposing
39 of nonfood organic materials that are not commingled with food waste

1 by using the services of an organic materials management facility
2 that does not accept food waste.

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

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

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

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

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

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

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

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

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

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

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

39 (ii) "Business" does not include a multifamily residential
40 entity.

1 (b) "Food waste" has the same meaning as defined in RCW
2 70A.205.715.

3 NEW SECTION. **Sec. 304.** A new section is added to chapter
4 70A.205 RCW to read as follows:

5 BIN COLORS. (1) In each jurisdiction planning under this chapter,
6 indoor or outdoor containers provided for collection services,
7 including multifamily, commercial, government and other public
8 places, institutional, and curbside residential collection services
9 must be provided in a color-coded manner consistent with the
10 requirements of 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 (2) 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:

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

4 (b) Imprinted text or graphic images that indicate the primary
5 materials accepted and the primary materials prohibited in that
6 container.

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

10 (4) The requirements of this section apply to containers
11 purchased on or after July 1, 2024.

12 (a) A jurisdiction or solid waste collection company is not
13 required to replace functional containers with a volume of one cubic
14 yard or less, including containers purchased prior to July 1, 2024,
15 that do not comply with the color requirements of this section prior
16 to the end of the useful life of those containers or prior to January
17 1, 2036, whichever comes first.

18 (b) A jurisdiction or solid waste collection company is not
19 required to replace functional containers with a volume of at least
20 one cubic yard that existed and were in service as of July 1, 2024.
21 However, a functional container that existed as of July 1, 2024, that
22 is repainted after July 1, 2024, must be repainted in a manner that
23 matches the appropriate color requirements of this section.

24 (5) A jurisdiction or solid waste collection company may comply
25 with the requirements of this section by providing a container or
26 containers that are split or divided into segregated sections,
27 instead of an entire container, as long as the lids of the separate
28 sections of a split container comply with the container color
29 requirements and material limitations specified in this section.

30 (6) Carpets, noncompostable paper, and hazardous wood waste may
31 not be collected in a green or brown container. Hazardous wood waste
32 may not be collected in a blue container. The department may adopt
33 rules to prohibit additional waste stream contaminants from being
34 placed in a green or brown container or a blue container.

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

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

38 (A) A container where the body of the container is blue in color
39 and the lid is blue in color; and

1 (B) An existing container in service as of July 1, 2024, with a
2 volume of at least one cubic yard where the body of the container is
3 clearly labeled for recyclable materials and composed of any color
4 and the lid is blue in color.

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

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

8 (A) A container where the body of the container is green or brown
9 in color and the lid is green or brown in color; and

10 (B) An existing container in service as of July 1, 2024, with a
11 volume of at least one cubic yard where the body of the container is
12 any color and clearly labeled for organic materials or compost and
13 the lid is green or brown in color.

14 (ii) Hardware, such as hinges and wheels on a green container,
15 may be any color.

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

17 (A) A container where the body of the container is entirely gray
18 or black in color and the lid is gray or black in color; and

19 (B) An existing container in service as of July 1, 2024, with a
20 volume of at least one cubic yard and clearly labeled for garbage
21 where the body of the container is any color and the lid is gray or
22 black in color.

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

25 NEW SECTION. **Sec. 305.** A new section is added to chapter
26 70A.205 RCW to read as follows:

27 ORGANIC MATERIALS TREATED WITH CLOPYRALID AND AMINOPYRALID BANNED
28 AS COMPOST FEEDSTOCKS. (1) Agricultural waste, yard waste, or other
29 organic material waste known or likely to be contaminated with
30 clopyralid, aminopyralid, or other similar herbicides in the
31 picolinic acid family, as identified by the department by rule, must
32 not be provided to an organic materials management facility for
33 handling as organic or yard waste and may not be used by an organic
34 materials management facility as an input or feedstock.

35 (2) To the extent that the requirements of this section conflict
36 with the requirements applicable to clopyralid, aminopyralid, or
37 other similar herbicides in the picolinic acid family adopted by the
38 United States environmental protection agency under the federal
39 insecticide, rodenticide, and fungicide act, the requirements of the

1 federal regulations take precedence and may be enforced by the
2 department of agriculture under chapter 15.58 RCW.

3 **PART 4**

4 **DATE LABELING STANDARDIZATION**

5 NEW SECTION. **Sec. 401.** A new section is added to chapter 15.130
6 RCW to read as follows:

7 DATE LABELING STANDARDIZATION. (1) Beginning January 1, 2026, a
8 food manufacturer, processor, or retailer responsible for the
9 labeling of food items for human consumption that chooses, or is
10 otherwise required by law, to display a date label to communicate a
11 quality or safety date on a food item manufactured on or after
12 January 1, 2025, must use one of the following uniform terms on the
13 date label:

14 (a) "BEST if used by" or "BEST if used or frozen by" to indicate
15 the quality date of the food item;

16 (b) "USE by" or "USE by or FREEZE by" to indicate the safety date
17 of the food item;

18 (c) "BB" to indicate the quality date of the food item if the
19 food item is too small to include the uniform term described in (a)
20 of this subsection; or

21 (d) "UB" to indicate the safety date of the food item if the food
22 item is too small to include the uniform term described in (b) of
23 this subsection.

24 (2)(a) A person is prohibited from selling or offering for sale
25 in the state a food item for human consumption manufactured on or
26 after January 1, 2026, that is labeled with the phrase "sell by."

27 (b) This subsection does not prohibit the use of "sell by" dates
28 that are presented in a coded format that are not easily readable by
29 consumers and that do not use the phrase "sell by."

30 (3) Nothing in this section:

31 (a) Requires food to bear a label containing a quality date or a
32 safety date;

33 (b) Restricts the sale of food bearing a label denoting that the
34 food is best used or consumed within a specified number of days of
35 being opened;

36 (c) Restricts the sale of food bearing a label indicating the
37 date on which it was packed or packaged;

1 (d) Prohibits the sale, donation, or use of food after the food's
2 quality date under subsection (1) of this section has passed;

3 (e) Prohibits a retail food facility from donating a food item
4 for human consumption that is not labeled in accordance with this
5 section; or

6 (f) Prohibits a label that allows consumers to view online
7 information about a food item for human consumption.

8 (4)(a) The requirements of this section do not apply to eggs or
9 pasteurized in-shell eggs, and to any types of food for which
10 incompatible expiration labeling requirements are prescribed by
11 federal law, including infant formula subject to the requirements of
12 21 C.F.R. Sec. 107.20, as that regulation existed as of January 1,
13 2024. The department must identify and publish a list of types of
14 food subject to the exclusion in this subsection prior to the
15 effective date of restrictions under this section and must update
16 this published list upon any relevant changes to federal law.

17 (b) For perishable packaged food, the requirements of this
18 section are in addition to the requirements of RCW 15.130.300.

19 (5)(a) The department may enforce the requirements of this
20 section or may delegate enforcement authority by contractual
21 agreement to a local health jurisdiction for purposes of enforcement
22 at locations subject to inspection by the local health jurisdiction
23 under authority specified in chapter 70.05, 70.08, or 70.46 RCW. The
24 department may enforce the requirements of this section at any point
25 in the supply chain where food is distributed or sold in Washington.

26 (b) The department or a local health jurisdiction may impose upon
27 and collect a civil penalty of up to \$500 per day for violations of
28 the requirements of this section. For each day of noncompliance, the
29 sale of a noncompliant product by stock-keeping unit number or unique
30 item number constitutes a violation.

31 (c) The enforcement of this section must be based primarily on
32 complaints filed with the department or a local health jurisdiction
33 with delegated enforcement authority. The department or a local
34 health jurisdiction may include a form on appropriate agency websites
35 or establish a telephone hotline to receive complaints that allege
36 violations. Nothing in this subsection requires the department or a
37 local health jurisdiction to investigate associated locations for
38 each filed complaint received or to investigate filed complaints
39 within a specific period of time.

1 (6) Each person that sells food in a retail space exceeding
2 10,000 square feet must display at least three signs for purposes of
3 educating consumers regarding the requirements of this section. The
4 signs may be of a design chosen by the retailer as long as the
5 requirements of this subsection are met or may use generic signage
6 developed by the department. Signs must use a minimum of 48-point
7 font and must read as follows:

8 "In an effort to minimize wasted food, Washington law requires food
9 products that are labeled with an expiration date to include one of
10 two types of labeling:

11 Safety dates: Dates on a product preceded by the words "use by" or
12 "use by or freeze by" or the initials "UB" indicate that a product
13 must be consumed by those dates in order to avoid potential negative
14 safety implications.

15 Quality dates: Dates on a product preceded by the words "best if used
16 by" or "best if used or frozen by" or the initials "BB" indicate a
17 manufacturer's suggestion that the product will retain its highest
18 quality if consumed before that date."

19 (7) The department may adopt rules to implement this section.

20 (8) In the event that the provisions of this chapter are
21 preempted under federal law or the department determines that a
22 federal program and its rules and regulations relating to the
23 labeling of food product quality or safety dates are as stringent and
24 effective as the provisions of this chapter, the provisions of this
25 chapter do not apply until such a preemption ceases or the department
26 determines the provisions of this chapter should apply.

27 (9) The definitions in this subsection apply throughout this
28 section unless the context clearly requires otherwise.

29 (a) "Local health jurisdiction" means an administrative agency
30 organized under chapter 70.05 RCW, a health district organized under
31 chapter 70.46 RCW, or a combined city-county health department
32 organized under chapter 70.08 RCW, that administers public health and
33 safety regulations and codes, including food safety and restaurant
34 inspections.

35 (b) "Quality date" means a date on a label affixed to the
36 packaging or a container of food that communicates to consumers the
37 date after which the food quality may begin to deteriorate but the
38 food may still be acceptable for consumption.

39 (c) "Safety date" means a date on a label affixed to the
40 packaging or container of food that communicates to consumers that

1 the food should be consumed or frozen, if appropriate, by the date
2 listed on the package that applies to perishable products with
3 potential safety implications over time.

4 (d) "Sell by date" means a date on a label affixed to the
5 packaging or container of food that is intended to communicate
6 primarily to a distributor or retailer for purposes of stock rotation
7 and that is not a quality date or safety date.

8 **Sec. 402.** RCW 15.130.300 and 2018 c 236 s 301 are each amended
9 to read as follows:

10 (1) All perishable packaged foods in intrastate commerce with a
11 projected shelf life of (~~(thirty)~~) 30 days or less must state a pull
12 date on the package.

13 (2) The pull date must be stated by month and day, but may not
14 include the phrases "pull date" or "pull by," and must not be in a
15 style and format that is readily decipherable by consumers.

16 (3) A person may not offer perishable packaged food for sale
17 after the pull date, except that if clearly identified as past the
18 pull date, packaged perishable food with an expired pull date may be
19 sold if still wholesome and without danger to health.

20 (4) A person may not rewrap or repackage perishable packaged food
21 with the intention of providing a pull date different from the
22 original.

23 (5) The department may exclude the monthly requirement from the
24 pull date for perishable packaged food with a shelf life of seven
25 days or less.

26 (6) The department must consult with the secretary of the
27 department of health when appropriate in adopting rules to establish
28 uniform standards for pull date labeling and optimum storage
29 conditions for perishable packaged food.

30 **Sec. 403.** RCW 15.130.550 and 2018 c 236 s 506 are each amended
31 to read as follows:

32 (1) The department may impose upon and collect a civil penalty
33 from a person violating this chapter or the rules adopted under it.
34 The department, in consultation with the department of ecology, must
35 provide technical assistance and guidance to food manufacturers,
36 processors, or retailers responsible for the labeling of food items
37 for human consumption that choose, or are otherwise required by law,
38 to display a date label to communicate a quality or safety date on a

1 food item, upon request. For persons out of compliance with the
2 requirements of this chapter, the department shall provide written
3 notification and offer information to persons that sell products in
4 violation of this section. For the purposes of this section, written
5 notification serves as notice of the violation. The department must
6 issue at least two notices of violation by certified mail prior to
7 assessing a penalty.

8 (2) The civil penalty must not exceed (~~one thousand dollars~~)
9 \$1,000 per violation per day, except the civil penalty for a
10 violation of pull date requirements in RCW 15.130.300 must not exceed
11 (~~five hundred dollars~~) \$500, and the civil penalty for a violation
12 of labeling requirements in section 401 of this act must not exceed
13 \$500 and is subject to the provisions of section 401 of this act.

14 (3) Each violation of this section is a separate and distinct
15 offense.

16 (4) The department, in consultation with the department of
17 ecology and the department of commerce, must provide education and
18 outreach activities to inform food manufacturers, distributors,
19 retail establishments, and food consumers about the requirements of
20 this chapter.

21 (5) The department, in consultation with the department of
22 ecology and the department of commerce, shall work with food
23 manufacturers, food distributors, retail establishments, retail
24 associations, and other organizations to create educational elements
25 regarding the requirements of this chapter. Educational elements for
26 retail establishments may include signage at store locations,
27 informational literature, and employee training.

28 (6) Food manufacturers, distributors, and retail establishments
29 are encouraged to educate their staff regarding the date labeling
30 requirements of this chapter.

31 **PART 5**

32 **PRODUCT DEGRADABILITY RESTRICTIONS**

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

35 STICKERS AND COMPOSTABLE PRODUCT LABELING DEFINITIONS. The
36 definitions in this section apply throughout this chapter unless the
37 context clearly requires otherwise.

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

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

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

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

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

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

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

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

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

26 (6) "Food service product" has the same meaning as defined in RCW
27 70A.245.010.

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

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

33 (a) Plastic; or

34 (b) Fiber or paper with a plastic coating, window, component, or
35 additive.

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

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

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

5 (c) A film product; or

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

7 (10) (a) "Produce sticker" means a label or marking directly
8 affixed, or designed to be affixed, to an item intended for human
9 consumption or to the skin or peel of an item intended for human
10 consumption.

11 (b) "Produce sticker" includes any adhesive used to affix the
12 label or marking to an item.

13 (c) "Produce sticker" does not include a container or other
14 packaging primarily intended to transport, handle, or protect a food
15 product and that is affixed to an item intended for human consumption
16 or its skin or peel.

17 (11) "Producer" means the following person responsible for
18 compliance under this chapter for a product, other than a produce
19 sticker, sold, offered for sale, or distributed in or into this
20 state:

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

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

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

38 ~~((11))~~ (12) "Standard specification" means either:

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

4 (b) ASTM D6868 - standard specification for labeling of end items
5 that incorporate plastics and polymers as coatings or additives with
6 paper and other substrates designed to be aerobically composted in
7 municipal or industrial facilities, as it existed as of January 1,
8 2019.

9 (~~(12)~~) (13) "Utensil" means a product designed to be used by a
10 consumer to facilitate the consumption of food or beverages,
11 including knives, forks, spoons, cocktail picks, chopsticks, splash
12 sticks, and stirrers.

13 NEW SECTION. **Sec. 502.** A new section is added to chapter
14 70A.455 RCW to read as follows:

15 PROHIBITION ON PLASTIC PRODUCE STICKERS. (1)(a) Beginning January
16 1, 2028, a person may not sell or distribute in or into Washington
17 plastic produce stickers, or products with plastic produce stickers,
18 that do not meet ASTM standard D6400 or ASTM standard D6868, as those
19 standards existed as of January 1, 2024, and as certified by a
20 recognized third-party independent verification body.

21 (b) The requirements of (a) of this subsection do not apply to
22 produce stickers that are comprised only of wood or a fiber-based
23 substrate that contains:

24 (i) Greater than 98 percent fiber; and

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

26 (c)(i) The requirements of this subsection may only be enforced
27 against the first person to sell or distribute a plastic produce
28 sticker or a product with a plastic product sticker in or into this
29 state.

30 (ii) The department may require a person not described in (c)(i)
31 of this subsection that sells or distributes a plastic produce
32 sticker or produce with a plastic produce sticker to identify the
33 person from whom the plastic produce sticker or produce with a
34 plastic produce sticker was acquired.

35 (2) Upon request, the department must provide technical
36 assistance and guidance to manufacturers, importers, or distributors
37 of prohibited produce stickers that sell, offer for sale, or
38 otherwise supply such products in or into Washington.

1 (3) The requirements of RCW 70A.455.060 do not apply to produce
2 stickers.

3 **Sec. 503.** RCW 70A.455.040 and 2022 c 180 s 803 are each amended
4 to read as follows:

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

8 (a) Meet ASTM standard specification D6400;

9 (b) Meet ASTM standard specification D6868; or

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

12 (i) Greater than 98 percent fiber; and

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

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

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

18 (b) Feature labeling that:

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

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

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

27 (iv) Uses green, beige, or brown labeling, color striping, or
28 other green, beige, or brown symbols, colors, tinting, marks, or
29 design patterns that help differentiate compostable items from
30 noncompostable items.

31 **Sec. 504.** RCW 70A.455.070 and 2022 c 180 s 806 are each amended
32 to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 NEW SECTION. **Sec. 505.** A new section is added to chapter
2 70A.455 RCW to read as follows:

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

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

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

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

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

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

18 **Sec. 506.** RCW 70A.455.090 and 2022 c 180 s 808 are each amended
19 to read as follows:

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

32 (b) The enforcement of this chapter must be based primarily on
33 complaints filed with the department and cities and counties. The
34 department must establish a forum for the filing of complaints.
35 Cities, counties, or any person may file complaints with the
36 department using the forum, and cities and counties may review
37 complaints filed with the department via the forum. The forum
38 established by the department may include a complaint form on the
39 department's website, a telephone hotline, or a public outreach

1 strategy relying upon electronic social media to receive complaints
2 that allege violations. The department, in collaboration with the
3 cities and counties, must provide education and outreach activities
4 to inform retail establishments, consumers, and producers about the
5 requirements of this chapter.

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

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

11 (ii) The geographic boundaries within which the enforcement
12 activities are planned; and

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

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

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

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

24 PART 6

25 COMPOST PURCHASES

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

28 COMPOST REIMBURSEMENT PROGRAM ELIGIBILITY AMENDMENT. (1)(a)
29 Subject to the availability of amounts appropriated for this specific
30 purpose, the department must establish and implement a compost
31 reimbursement program to reimburse farming operations in the state
32 for purchasing and using compost products that were not generated by
33 the farming operation, including transportation, spreading equipment,
34 labor, fuel, and maintenance costs associated with spreading
35 equipment. The grant reimbursements under the program begin July 1,
36 2023.

37 (b) For the purposes of this program, "farming operation" means:
38 A commercial agricultural, silvicultural, or aquacultural facility or

1 pursuit, including the care and production of livestock and livestock
2 products, poultry and poultry products, apiary products, and plant
3 and animal production for nonfood uses; the planting, cultivating,
4 harvesting, and processing of crops; and the farming or ranching of
5 any plant or animal species in a controlled salt, brackish, or
6 freshwater environment.

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

21 (3) The department must create a form for eligible farming
22 operations to apply for cost reimbursement for costs from purchasing
23 and using compost (~~(from facilities with solid waste handling~~
24 ~~permits)) containing vegetative waste feedstocks or food waste
25 feedstocks, or both, including transportation, equipment, spreading,
26 and labor costs. Compost must meet the applicable requirements for
27 compost established by the department of ecology under chapter
28 70A.205 RCW. All applications for cost reimbursement must be
29 submitted on the form along with invoices, receipts, or other
30 documentation acceptable to the department of the costs of purchasing
31 and using compost products for which the applicant is requesting
32 reimbursement, as well as a brief description of what each purchased
33 item will be used for. The department may request that an applicant
34 provide information to verify the source, size, sale weight, or
35 amount of compost products purchased and the cost of transportation,
36 equipment, spreading, and labor. The applicant must also declare that
37 it is not seeking reimbursement for purchase or labor costs for:~~

38 (a) Its own compost products; or

1 (b) Compost products that it has transferred, or intends to
2 transfer, to another individual or entity, whether or not for
3 compensation.

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

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

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

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

20 ~~(c) ((A farming operation is not eligible to receive more than~~
21 ~~\$10,000 per fiscal year))~~ During eligibility review, each farming
22 operation must provide an estimated incurred cost associated with the
23 compost and other eligible purchases. The department must use the
24 estimated incurred cost plus an additional 25 percent of the
25 estimated incurred cost to account for additional unexpected costs
26 that may arise in establishing a maximum grant request amount. The
27 department may enter into a contractual agreement that provides grant
28 funding in the amount of the lesser of:

29 (i) 50 percent of the maximum grant request amount calculated in
30 this subsection (5)(c); or

31 (ii) \$20,000;

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

36 (e) A farming operation is not eligible to receive reimbursement
37 for compost products that were not purchased from a facility with a
38 solid waste handling permit or a permit-exempt facility that composts
39 vegetative waste feed stocks, food waste feedstocks, or both.

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

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

10 (a) Facilitate the division and distribution of available costs
11 for reimbursement; and

12 (b) Manage the day-to-day coordination of the compost
13 reimbursement program.

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

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

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

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

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

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

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

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

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

1 determination that the local government's population has exceeded
2 25,000.

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

5 (a) Landscaping projects;

6 (b) Construction and postconstruction soil amendments;

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

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

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

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

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

25 (b) The volume and cost of compost purchased throughout the year;
26 and

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

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

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

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

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

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

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

2 **PART 7**

3 **MISCELLANEOUS**

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

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

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

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

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

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

29 (a) Timelines, exemptions, administration, enforcement, and other
30 logistics to phase in edible food donation programs, incentives, or
31 requirements;

32 (b) The food recovery network systems necessary to support
33 increased donation of edible food by commercial generators and
34 whether to require that certain food recovery network system
35 components be in place as a precondition to any requirement for
36 commercial food waste donation;

1 (c) Assess asset gaps and food infrastructure development needs.
2 The work group must also facilitate the creation of networks and
3 partnerships to address gaps and needs and develop innovative
4 partnerships and models where appropriate; and

5 (d) Actions taken, costs, and lessons learned by other
6 jurisdictions in the United States that have enacted policies focused
7 on reducing edible commercially generated food waste and from
8 voluntary pilot projects carried out by commercial generators of food
9 waste.

10 (2) The department of ecology must submit a report to the
11 legislature by September 1, 2025, containing the recommendations of
12 the work group. The work group shall make recommendations using
13 consensus-based decision making. The report must include
14 recommendations where general stakeholder consensus has been achieved
15 and note varied opinions where stakeholder consensus has not been
16 achieved.

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

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

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

25 (c) An environmental nonprofit organization that specializes in
26 waste and recycling issues;

27 (d) A statewide organization representing hospitality businesses;

28 (e) A retail grocery association;

29 (f) The department of ecology;

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

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

34 (i) The department of agriculture;

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

36 (k) The department of health;

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

38 (m) A technology company currently focused on food rescue in
39 Washington; and

1 (n) Two open seats for appointed members of the work group to
2 nominate for department of ecology appointment if gaps in membership
3 are identified.

4 NEW SECTION. **Sec. 703.** SEVERABILITY CLAUSE. If any provision of
5 this act or its application to any person or circumstance is held
6 invalid, the remainder of the act or the application of the provision
7 to other persons or circumstances is not affected.

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