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**SENATE BILL 5222**

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**State of Washington**

**68th Legislature**

**2023 Regular Session**

**By** Senators J. Wilson and Fortunato

Read first time 01/10/23. Referred to Committee on Environment,  
Energy & Technology.

1 AN ACT Relating to the "pick it up, Washington" litter control  
2 program; amending RCW 70A.200.130 and 70A.200.030; adding a new  
3 section to chapter 70A.200 RCW; creating a new section; and  
4 decodifying RCW 70A.200.900.

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

6 NEW SECTION. **Sec. 1.** A new section is added to chapter 70A.200  
7 RCW to read as follows:

8 (1) The department shall oversee a network of volunteers who  
9 agree to participate in the "pick it up, Washington" program. The  
10 program consists of pick it up volunteers who are willing to assist  
11 with litter removal in public places that are not private property.  
12 The department shall operate the program within existing resources.

13 (2) The department shall advertise and promote the "pick it up,  
14 Washington" program and create and manage a list of pick it up  
15 volunteers who agree to participate. The department may reserve the  
16 right to exclude any individual from participating as a pick it up  
17 volunteer if the department determines that allowing such an  
18 individual to participate would create a risk to the health or safety  
19 of that individual, other volunteers, or the public.

1 (3) The department may develop appropriate methods to give public  
2 recognition to the positive contributions of pick it up volunteers in  
3 their communities.

4 **Sec. 2.** RCW 70A.200.130 and 1971 ex.s. c 307 s 11 are each  
5 amended to read as follows:

6 (1) Responsibility for the removal of litter from receptacles  
7 placed at parks, beaches, campgrounds, trailer parks, and other  
8 public places shall remain upon those state and local agencies  
9 performing litter removal. Removal of litter from litter receptacles  
10 placed on private property which is used by the public shall remain  
11 the responsibility of the owner of such private property.

12 (2) With respect to public places that are not private property,  
13 the department shall seek pick it up volunteers through the program  
14 created in section 1 of this act to remove litter that is not  
15 deposited in receptacles from these public places. The department is  
16 not responsible for arranging for litter removal under this  
17 subsection if another state agency or a local agency is successfully  
18 performing litter removal on a regular basis.

19 **Sec. 3.** RCW 70A.200.030 and 2007 c 244 s 1 are each amended to  
20 read as follows:

21 The definitions in this section apply throughout this chapter  
22 unless the context clearly requires otherwise.

23 (1) (~~"Conveyance" means a boat, airplane, or vehicle.~~

24 ~~(2))~~ "Department" means the department of ecology.

25 ~~((3))~~ (2) "Director" means the director of the department of  
26 ecology.

27 ~~((4))~~ (3) "Disposable package or container" means all packages  
28 or containers defined as such by rules adopted by the department (~~(of~~  
29 ~~ecology)~~).

30 ~~((5))~~ (4) "Junk vehicle" has the same meaning as defined in RCW  
31 46.55.010.

32 ~~((6))~~ (5) "Litter" means all waste material including but not  
33 limited to disposable packages or containers thrown or deposited as  
34 herein prohibited and solid waste that is illegally dumped, but not  
35 including the wastes of the primary processes of mining, logging,  
36 sawmilling, farming, or manufacturing. "Litter" includes the material  
37 described in subsection ~~((11))~~ (10) of this section as "potentially  
38 dangerous litter."

1       ~~((7)) "Litter bag" means a bag, sack, or other container made of~~  
2 ~~any material which is large enough to serve as a receptacle for~~  
3 ~~litter inside the vehicle or watercraft of any person. It is not~~  
4 ~~necessarily limited to the state approved litter bag but must be~~  
5 ~~similar in size and capacity.~~

6       ~~(8))~~ (6) "Litter receptacle" means those containers adopted by  
7 the department ~~((of ecology))~~ and which may be standardized as to  
8 size, shape, capacity, and color and which shall bear the state anti-  
9 litter symbol, as well as any other receptacles suitable for the  
10 depositing of litter.

11       ~~((9))~~ (7) "Official gathering" means an event where  
12 authorization to hold the event is approved, recognized, or issued by  
13 a government, public body, or authority, including but not limited to  
14 fairs, musical concerts, athletic games, festivals, tournaments, or  
15 any other formal or ceremonial event, during which beverages are sold  
16 by a vendor or vendors in single-use aluminum, glass, or plastic  
17 bottles or cans.

18       ~~((10))~~ (8) "Person" means any political subdivision, government  
19 agency, municipality, industry, public or private corporation,  
20 copartnership, association, firm, individual, or other entity  
21 whatsoever.

22       ~~((11))~~ (9) "Pick it up volunteer" means an individual who  
23 agrees to participate in the program established in section 1 of this  
24 act. A pick it up volunteer is not compensated and is not a state  
25 actor or agent or employee of the state.

26       (10) "Potentially dangerous litter" means litter that is likely  
27 to injure a person or cause damage to a vehicle or other property.  
28 "Potentially dangerous litter" means:

29       (a) Cigarettes, cigars, or other tobacco products that are  
30 capable of starting a fire;

31       (b) Glass;

32       (c) A container or other product made predominantly or entirely  
33 of glass;

34       (d) A hypodermic needle or other medical instrument designed to  
35 cut or pierce;

36       (e) Raw human waste, including soiled baby diapers, regardless of  
37 whether or not the waste is in a container of any sort; and

38       (f) Nails or tacks.

1       (~~(12)~~) (11) "Public place" means any area that is used or held  
2 out for use by the public whether owned or operated by public or  
3 private interests.

4       (~~(13)~~) (12) "Recycling" means transforming or remanufacturing  
5 waste materials into a finished product for use other than landfill  
6 disposal or incineration.

7       (~~(14)~~ "Recycling center" means a central collection point for  
8 recyclable materials.

9       (~~(15)~~) (13) "Sports facility" means an outdoor recreational  
10 sports facility, including but not limited to athletic fields and  
11 ballparks, at which beverages are sold by a vendor or vendors in  
12 single-use aluminum, glass, or plastic bottles or cans.

13       (~~(16)~~) (14) "To litter" means a single or cumulative act of  
14 disposing of litter.

15       (~~(17)~~) (15) "Vehicle" includes every device capable of being  
16 moved upon a public highway and in, upon, or by which any persons or  
17 property is or may be transported or drawn upon a public highway,  
18 excepting devices moved by human or animal power or used exclusively  
19 upon stationary rails or tracks.

20       (~~(18)~~) (16) "Waste reduction" means reducing the amount or  
21 toxicity of waste generated or reusing materials.

22       (~~(19)~~ "Watercraft" means any boat, ship, vessel, barge, or other  
23 floating craft.))

24       NEW SECTION.   **Sec. 4.**   RCW 70A.200.900 (Alternative to Initiative  
25 40—Placement on ballot—Force and effect of chapter) is decodified.

26       NEW SECTION.   **Sec. 5.**   This act does not create any civil  
27 liability on the part of the state or any state agency, officer,  
28 employee, or agent.

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