

RCW 70A.207.040 Grant programs—Diversion of organic materials.

(1) The department, through the center, must develop and administer grant programs to support activities that reduce emissions from landfills and waste-to-energy facilities through the diversion of organic materials and food waste prevention, rescue, and recovery. The department must seek stakeholder input in the design, criteria, and logistics associated with each grant program. The department must allocate grant funding across the eligible categories specified in subsection (2) of this section in a manner consistent with legislative appropriations, and that achieves the following priorities:

- (a) Maximizing greenhouse gas emission reductions;
- (b) Eliminating barriers to the rescue and consumption of edible food that would otherwise be wasted;
- (c) Developing stable funding programs for the department to administer and stable funding opportunities for potential fund recipients to be aware of; and
- (d) Preferences the following management options, in order of most preferred to least preferred:
 - (i) Prevents wasted food;
 - (ii) Donates or upcycles food;
 - (iii) Feeds animals or leaves food unharvested;
 - (iv) Composts or anaerobically digests materials with beneficial use of the compost, digestate, or biosolids;
 - (v) Anaerobically digests materials with the disposal of digestate or biosolids, or applies material to the land;
 - (vi) Sends materials down the drain, to landfills, or incinerates material, with or without accompanying energy recovery.

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

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

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

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

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

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

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

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

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

(4) The department may award grants to eligible applicants meeting the minimum qualifying criteria on a competitive basis, or to applicants on a noncompetitive basis, or both. Within each category of activity described in subsection (2) of this section, the department must prioritize grant applications that benefit overburdened communities as defined in RCW 70A.02.010 as identified by the department in accordance with RCW 70A.02.050. [2024 c 341 s 201.]

Findings—Intent—2024 c 341: "(1) The legislature finds:

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

(b) Methane is a potent greenhouse gas and landfills are documented by the United States environmental protection agency to be the 3rd largest human-made source, with food, yard waste, and other plant-based organic material degrading in landfills to methane;

(c) Food waste is a major issue in the United States and globally, that, according to the food and agriculture organization of the United Nations, unwanted and discarded food squanders resources, including water, land, energy, labor, and capital, estimated that one-third of the food produced in the world for human consumption, about 1,300,000,000 tons, is lost or wasted every year, and the food loss

and waste in industrialized countries equates to a value of approximately \$680,000,000,000;

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

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

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

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

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

(a) Creating a variety of grant programs to support food waste reduction, food rescue, and other organic material management system improvements, including grants to support the implementation of new policy requirements related to organic material management;

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

(c) Making changes to product degradability labeling requirements; and

(d) Continuing to discuss how to maximize donations of food from generators of unwanted edible food.

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

(a) Prevents wasted food;

(b) Donates or upcycles food;

(c) Feeds animals or leaves food unharvested;

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

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

(f) Sends materials down the drain, to landfills, or incinerates material, with or without accompanying energy recovery." [2024 c 341 s 101.]