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5 Strike everything after the enacting clause and insert the
6 following:

7 "NEW SECTION. **Sec. 1.** FINDINGS AND INTENT. It is the purpose of
8 this chapter to:

9 (1) Substantially increase the procurement of recycled content
10 products by all local and state governmental agencies and public
11 schools, and provide a model to encourage a comparable commitment by
12 Washington state citizens and businesses in their purchasing practices;

13 (2) Target government procurement policies and goals toward those
14 recycled products for which there are significant market development
15 needs or that may substantially contribute to solutions to the state's
16 waste management problem;

17 (3) Provide standards for recycled products for use in procurement
18 programs by all governmental agencies;

19 (4) Provide the authority for all governmental agencies to adopt
20 preferential purchasing policies for recycled products;

21 (5) Direct state agencies to develop strategies to increase
22 recycled product purchases, and to provide specific goals for
23 procurement of recycled paper products and organic recovered materials;
24 and

25 (6) Provide guidance and direction for local governments and other
26 public agencies to develop plans for increasing the procurement of
27 recycled content products."

1 "NEW SECTION. Sec. 2. DEFINITIONS. Unless the context clearly
2 requires otherwise, the definitions in this section apply throughout
3 this chapter.

4 (1) "Compost products" means mulch, soil amendments, ground cover,
5 or other landscaping material derived from the biological or mechanical
6 conversion of cellulose-containing waste materials.

7 (2) "Local government" means a city, town, county, special purpose
8 district, school district, or other municipal corporation.

9 (3) "Lubricating oil" means petroleum-based oils for reducing
10 friction in engine parts and other mechanical parts.

11 (4) "Mixed waste paper" means assorted low-value grades of paper
12 that have not been separated into individual grades of paper at the
13 point of collection.

14 (5) "Paper and paper products" means all items manufactured from
15 paper or paperboard.

16 (6) "Postconsumer waste" means a material or product that has
17 served its intended use and has been discarded for disposal or recovery
18 by a final consumer.

19 (7) "Procurement officer" means the person that has the primary
20 responsibility for procurement of materials or products.

21 (8) "State agency" means all units of state government, including
22 divisions of the governor's office, the legislature, the judiciary,
23 state agencies and departments, correctional institutions, vocational
24 technical institutions, and universities and colleges.

25 (9) "Recycled content product" or "recycled product" means a
26 product containing recycled materials.

27 (10) "Recycled materials" means waste materials and by-products
28 that have been recovered or diverted from solid waste and that can be
29 utilized in place of a raw or virgin material in manufacturing a
30 product and consists of materials derived from postconsumer waste,

1 manufacturing waste, industrial scrap, agricultural wastes, and other
2 items, all of which can be used in the manufacture of new or recycled
3 products.

4 (11) "Re-refined oils" means used lubricating oils from which the
5 physical and chemical contaminants acquired through previous use have
6 been removed through a refining process. Re-refining may include
7 distillation, hydrotreating, or treatments employing acid, caustic,
8 solvent, clay, or other chemicals, or other physical treatments other
9 than those used in reclaiming.

10 (12) "USEPA product standards" means the product standards of the
11 United States environmental protection agency for recycled content
12 published in the code of federal regulations."

13 "NEW SECTION. Sec. 3. STANDARDS FOR RECYCLED CONTENT. (1) The
14 director shall adopt standards specifying the minimum content of
15 recycled materials in products or product categories. The standards
16 shall:

17 (a) Be consistent with the USEPA product standards, unless the
18 director finds that a different standard would significantly increase
19 recycled product availability or competition;

20 (b) Consider the standards of other states, to encourage
21 consistency of manufacturing standards;

22 (c) Consider regional product manufacturing capability;

23 (d) Address specific products or classes of products; and

24 (e) Consider postconsumer waste content and the recyclability of
25 the product.

26 (2) The director shall consult with the supply management board and
27 department of ecology prior to adopting the recycled content standards.

28 (3) The director shall adopt recycled content standards for at
29 least the following products by the dates indicated:

1 (a) By July 1, 1992:

2 (i) Paper and paper products;

3 (ii) Organic recovered materials; and

4 (iii) Latex paint products;

5 (b) By July 1, 1993:

6 (i) Products for lower value uses containing recycled plastics;

7 (ii) Retread and remanufactured tires;

8 (iii) Lubricating oils;

9 (iv) Automotive batteries; and

10 (v) Building insulation.

11 (4) The standards required by this section shall be applied to
12 recycled product purchasing by the department and other state agencies.
13 The standards may be adopted or applied by any other local government
14 in product procurement. The standards shall provide for exceptions
15 under appropriate circumstances to allow purchases of recycled products
16 that do not meet the minimum content requirements of the standards."

17 "NEW SECTION. Sec. 4. LOCAL GOVERNMENT PROCUREMENT PROGRAMS. (1)
18 By January 1, 1993, each local government shall review its existing
19 procurement policies and specifications to determine whether recycled
20 products are intentionally or unintentionally excluded. The policies
21 and specifications shall be revised to include such products unless a
22 recycled content product does not meet an established performance
23 standard of the agency.

24 (2) By fiscal year 1994, each local government shall adopt a
25 minimum purchasing goal for recycled content as a percentage of the
26 total dollar value of supplies purchased. To assist in achieving this
27 goal each local government shall adopt a strategy by January 1, 1993,
28 and shall submit a description of the strategy to the department. The
29 department shall report to the appropriate standing committees of the

1 legislature by October 1, 1993, on the progress of implementation by
2 local governments, and shall thereafter periodically report on the
3 progress of recycled product purchasing by state and other public
4 agencies. All public agencies shall respond to requests for
5 information from the department for the purpose of its reporting
6 requirements under this section.

7 (3) Each local government shall designate a procurement officer who
8 shall serve as the primary contact with the department for compliance
9 with the requirements of this chapter.

10 (4) This section shall apply only to local governments with
11 expenditures for supplies exceeding five hundred thousand dollars for
12 fiscal year 1989. Expenditures for capital goods and for electricity,
13 water, or gas for resale shall not be considered a supply expenditure."

14 "Sec. 5. RCW 43.19.538 and 1988 c 175 s 2 are each amended to read
15 as follows:

16 (1) The director of general administration, through the state
17 purchasing director, shall develop specifications and adopt rules for
18 the purchase of products which will provide for preferential purchase
19 of products containing (~~recovered~~) recycled material by:

20 (a) The use of a weighting factor determined by the amount of
21 (~~recovered~~) recycled material in a product, where appropriate and
22 known in advance to potential bidders, to determine the lowest
23 responsible bidder. The actual dollars bid shall be the contracted
24 amount. If the department determines, according to criteria
25 established by rule that the use of this weighting factor does not
26 encourage the use of more (~~recovered~~) recycled material, the
27 department shall consider and award bids without regard to the
28 weighting factor. In making this determination, the department shall

1 consider but not be limited to such factors as adequate competition,
2 economics or environmental constraints, quality, and availability.

3 (b) Requiring a written statement of the percentage range of
4 (~~recovered material~~) recycled content from the bidder providing
5 products containing (~~recovered material~~) recycled. The range may be
6 stated in (~~fifteen~~) five percent increments.

7 (2) The director shall develop a directory of businesses that
8 supply products containing significant quantities of (~~recovered~~)
9 recycled materials. This directory may be combined with and made
10 accessible through the data base of recycled content products to be
11 developed under section 8 of this act.

12 (3) The director shall encourage all parties using the state
13 purchasing office to purchase products containing (~~recovered~~)
14 recycled materials.

15 (4) The rules, specifications, and bid evaluation shall be
16 consistent with recycled content standards adopted under section 3 of
17 this act."

18 "NEW SECTION. Sec. 6. (1) Each local government shall consider
19 the adoption of policies, rules, or ordinances to provide for the
20 preferential purchase of recycled content products. Any local
21 government may adopt the preferential purchasing policy of the
22 department of general administration, or portions of such policy, or
23 another policy that provides a preference for recycled content
24 products.

25 (2) The department of general administration shall prepare one or
26 more model recycled content preferential purchase policies suitable for
27 adoption by local governments. The model policy shall be widely
28 distributed and provided through the technical assistance and workshops
29 under section 9 of this act.

1 (3) A local government that is not subject to the purchasing
2 authority of the department of general administration, and that adopts
3 the preferential purchase policy or rules of the department, shall not
4 be limited by the percentage price preference included in such policy
5 or rules."

6 "NEW SECTION. **Sec. 7.** STATE AGENCY PROCUREMENT. The department
7 shall prepare a mandatory state plan to increase purchases of recycled-
8 content products by the department and all state agencies, including
9 higher education institutions. The plan shall include purchases from
10 public works contracts. The plan shall address the purchase of plastic
11 products, retread and remanufactured tires, motor vehicle lubricants,
12 latex paint, and lead acid batteries having recycled content. In
13 addition, the plan shall incorporate actions to achieve the following
14 purchase level goals of recycled content paper and compost products:

15 (1) Paper products as a percentage of the total dollar amount
16 purchased on an annual basis:

17 (a) At least forty percent by 1993;

18 (b) At least fifty percent by 1994;

19 (c) At least sixty percent by 1995.

20 (2) Compost products as a percentage of the total dollar amount on
21 an annual basis:

22 (a) At least twenty-five percent by 1993;

23 (b) At least forty percent by 1995;

24 (c) At least sixty percent by 1997."

25 "NEW SECTION. **Sec. 8.** DATA BASE. (1) The department shall
26 develop a data base of available products with recycled-content
27 products, and vendors supplying such products. The data base shall
28 incorporate information regarding product consistency with the content

1 standards adopted under section 3 of this act. The data base shall
2 incorporate information developed through state and local government
3 procurement of recycled-content products.

4 (2) By December 1, 1992, the department shall report to the
5 appropriate standing committees of the legislature on the cost of
6 making the data base accessible to all state and local governments and
7 to the private sector.

8 (3) The department shall compile information on purchases made by
9 the department or pursuant to the department's purchasing authority,
10 and information provided by local governments, regarding:

11 (a) The percentage of recycled content and, if known, the amount of
12 postconsumer waste in the products purchased;

13 (b) Price;

14 (c) Agency experience with the performance of recycled products and
15 the supplier under the terms of the purchase; and

16 (d) Any other information deemed appropriate by the department."

17 "NEW SECTION. **Sec. 9.** PROCUREMENT EDUCATION PROGRAM. (1) The
18 department shall implement an education program to encourage maximum
19 procurement of recycled products by state and local government
20 entities. The program shall include at least the following:

21 (a) Technical assistance to all public agencies and their
22 designated procurement officers on the requirements of this chapter,
23 including preparation of model purchase contracts, the preparation of
24 procurement plans, and the availability of recycled products;

25 (b) Two or more workshops annually in which all state and local
26 government entities are invited;

27 (c) Information on intergovernmental agreements to facilitate
28 procurement of recycled products.

1 (2) The director shall, in consultation with the department of
2 ecology, make available to the public, local jurisdictions, and the
3 private sector, a comprehensive list of substitutes for extremely
4 hazardous, hazardous, toxic, and nonrecyclable products, and disposable
5 products intended for a single use. The department and all state
6 agencies exercising the purchasing authorities of the department shall
7 include the substitute products on bid notifications, except where the
8 department allows an exception based upon product availability, price,
9 suitability for intended use, or similar reasons.

10 (3) The department shall prepare model procurement guidelines for
11 use by local governments."

12 "NEW SECTION. **Sec. 10.** A new section is added to chapter 43.78
13 RCW to read as follows:

14 PUBLIC PRINTER. The public printer shall take all actions
15 consistent with the plan under section 7 of this act to ensure that
16 seventy-five percent or more of the total dollar amount of printing
17 paper stock used by the printer is recycled content paper by January 1,
18 1995."

19 "NEW SECTION. **Sec. 11.** BID NOTIFICATION. A notification
20 regarding a state or local government's intent to procure products with
21 recycled content must be prominently displayed in the procurement
22 solicitation or invitation to bid including:

23 (1) A description of the postconsumer waste content or recycled
24 content requirements; and

25 (2) A description of the agency's recycled content preference
26 program."

1 "NEW SECTION. Sec. 12. VENDOR CERTIFICATION. (1) After July 1,
2 1992, vendors shall certify the percentage of recycled content in
3 products sold to state and local governments, including the percentage
4 of postconsumer waste that is in the product. The certification shall
5 be in the form of a label on the product or a statement by the vendor
6 attached to the bid documents.

7 (2) The certification on multicomponent or multimaterial products
8 shall verify the percentage and type of postconsumer waste and recycled
9 content by volume contained in the major constituents of the product.

10 (3) The procuring agency may state in bid solicitations that
11 permission to verify the certification by review of the bidder or
12 manufacturer's records must be granted as a condition of the bid award,
13 in the event of a bidder's protest or other challenge to the bid
14 accepted.

15 (4) The department shall adopt rules by May 1, 1992, describing the
16 contents of the certification required by this section."

17 "NEW SECTION. Sec. 13. PROCUREMENT OF COMPOST PRODUCTS. (1) The
18 department shall increase the procurement of compost products for all
19 state facilities and grounds that require landscaping or similar work.
20 The department shall survey available vendors and state facilities for
21 which such products are suitable, and attempt to match such supplies
22 and need to lower transportation and other costs. The department shall
23 consider and implement modification of performance standards where
24 appropriate to achieve greater procurement of compost products.

25 (2) Beginning July 1, 1992, the total of department contracts
26 awarded in whole or in part for the purchase of landscaping materials
27 or soil amendments shall include compost products as follows:

28 (a) For the period July 1, 1992, through June 30, 1994, twenty-five
29 percent of the total dollar amount of purchases; and

1 (b) On and after July 1, 1994, fifty percent of the total annual
2 dollar amount of purchases."

3 "NEW SECTION. **Sec. 14.** A new section is added to chapter 47.28
4 RCW to read as follows:

5 COMPOST PRODUCTS IN TRANSPORTATION PROJECTS. (1) A contract
6 awarded in whole or in part for the purchase of compost products as a
7 soil cover or soil amendment to state highway rights of way shall
8 specify that compost products be purchased in accordance with the
9 following schedule:

10 (a) For the period July 1, 1991, through June 30, 1993, twenty-five
11 percent of the total dollar amount purchased;

12 (b) For the period July 1, 1993, through June 30, 1995, fifty
13 percent of the total dollar amount purchased. The percentages in this
14 subsection apply only to the materials' value, and do not include
15 services or other materials.

16 (2) In order to carry out the provisions of this section, the
17 department of transportation shall develop and adopt bid specifications
18 for compost products used in state highway construction projects."

19 "NEW SECTION. **Sec. 15.** A new section is added to chapter 19.27
20 RCW to read as follows:

21 STATE BUILDING CODE STUDY. The state building code council, in
22 consultation with the department of ecology and local governments,
23 shall conduct a study of the state building code, and adopt changes as
24 necessary to encourage greater use of recycled building materials from
25 construction and building demolition debris, mixed waste paper, waste
26 paint, waste plastics, and other waste materials."

1 "NEW SECTION. Sec. 16. USE OF RECYCLED MATERIALS IN ROAD
2 CONSTRUCTION. The department of transportation, in consultation with
3 the department of trade and economic development, shall prepare and
4 forward to the legislature on or before January 1, 1992, a study of the
5 use of recycled materials for public highways, roads, bicycle routes,
6 trails, and paths. The study shall include, but not be limited to:

7 (1) An analysis of the types of recycled materials appropriate and
8 feasible as alternative paving material such as glass, tires, or
9 incinerator ash;

10 (2) An analysis of uses for waste tires, including, but not limited
11 to, erosion control mats, highway stabilization mats, ferry bumpers,
12 highway crash attenuation barriers, road subbase materials, or
13 backfill;

14 (3) An analysis of using recycled mixed-plastic materials for guard
15 rail posts, right of way fence posts, and sign supports;

16 (4) Strategies to test and monitor the use of recycled content
17 materials in road construction;

18 (5) Product specifications for recycled materials;

19 (6) Programs to demonstrate the feasibility of using recycled
20 materials; and

21 (7) Identification of recycled material sources and vendors to
22 ensure competitive product pricing and material availability."

23 "NEW SECTION. Sec. 17. USE OF COMPOST PRODUCTS IN LOCAL ROAD
24 PROJECTS. (1) Each county and city required to prepare a strategy
25 under section 4 of this act shall adopt specifications for compost
26 products to be used in road projects. The specifications developed by
27 the department of transportation under section 14 of this act may be
28 adopted by the city or county in lieu of developing specifications.

1 (2) After July 1, 1992, any contract awarded in whole or in part
2 for applying soils, soil covers, or soil amendments to road rights of
3 way shall specify that compost materials be purchased in accordance
4 with the following schedule:

5 (a) For the period July 1, 1992, through June 30, 1994, at least
6 twenty-five percent of the total dollar amount of purchases by the city
7 or county;

8 (b) On and after July 1, 1994, at least fifty percent of the annual
9 total dollar amount of purchases by the city or county.

10 (3) The city or county may depart from the schedule in subsection
11 (2) of this section where it determines that no suitable product is
12 available at a reasonable price."

13 "NEW SECTION. **Sec. 18.** A new section is added to Title 28A RCW to
14 read as follows:

15 Every school board of directors shall consider the purchase of
16 playground matting manufactured from shredded waste tires in
17 undertaking construction or maintenance of playgrounds. The department
18 of general administration shall upon request assist in the development
19 of product specifications and vendor identification."

20 "NEW SECTION. **Sec. 19.** RCW 43.19.537 and 1988 c 175 s 1 & 1982 c
21 61 s 1 are each repealed."

22 "NEW SECTION. **Sec. 20.** CODIFICATION. Sections 1 through 4, 6
23 through 9, 11 through 13, 16, and 17 of this act shall constitute a new
24 chapter in Title 43 RCW."

25 "NEW SECTION. **Sec. 21.** CAPTIONS NOT LAW. Captions as used in
26 this act constitute no part of the law."

1 "NEW SECTION. **Sec. 22.** If specific funding for the purposes of
2 this act, referencing this act by bill number, is not provided by June
3 30, 1991, in the omnibus appropriations act, this act shall be null and
4 void."

5 **2SSB 5143** - H COMM AMD
6 By Committee on Environmental Affairs

7
8 On page 1, line 1 of the title, after "recycling;" strike the
9 remainder of the title and insert "amending RCW 43.19.538; adding a new
10 section to chapter 43.78 RCW; adding a new section to chapter 47.28
11 RCW; adding a new section to chapter 19.27 RCW; adding a new section to
12 Title 28A RCW; adding a new chapter to Title 43 RCW; creating new
13 sections; and repealing RCW 43.19.537."