

HOUSE BILL REPORT

ESHB 1459

*As Passed House
March 20, 1991*

Title: An act relating to recycling.

Brief Description: Creating a comprehensive approach to recycling and recyclable material markets.

Sponsor(s): By House Committee on Environmental Affairs (originally sponsored by Representatives Sprenkle, Rust, Valle, G. Fisher, Pruitt, Basich, R. Johnson, Jacobsen, Braddock, Phillips, Scott, Cooper, D. Sommers, Roland, Nelson, Spanel, Brekke and Wineberry).

Brief History:

Reported by House Committee on:
Environmental Affairs, March 5, 1991, DPS;
Revenue, March 10, 1991, DPS(ENA)-A;
Passed House, March 20, 1991, 97-0.

**HOUSE COMMITTEE ON
ENVIRONMENTAL AFFAIRS**

Majority Report: *That Substitute House Bill No. 1459 be substituted therefor, and the substitute bill do pass.*
Signed by 8 members: Representatives Rust, Chair; Valle, Vice Chair; Bray; Brekke; G. Fisher; Phillips; Pruitt; and Sprenkle.

Minority Report: *Do not pass.* Signed by 5 members: Representatives Horn, Ranking Minority Member; Edmondson, Assistant Ranking Minority Member; Neher; D. Sommers; and Van Luven.

Staff: Rick Anderson (786-7114).

**HOUSE COMMITTEE ON
REVENUE**

Majority Report: *The substitute bill by Committee on Environmental Affairs be substituted therefor and the substitute bill as amended by Committee on Revenue do pass.*
Signed by 15 members: Representatives Wang, Chair; Fraser, Vice Chair; Holland, Ranking Minority Member; Wynne, Assistant Ranking Minority Member; Appelwick; Belcher;

Brumsickle; Day; Leonard; Morris; Morton; Phillips; Rust; Silver; and Van Luven.

Staff: Rick Anderson (786-7114).

Background: Packaging comprises one-third of the total waste stream. Paper is the most common packaging material; others include plastics, glass, and metals. Cardboard and aluminum currently have relatively high recycling rates. Plastic packaging and bottles, glass bottles, and tin cans currently have relatively low recycling rates.

At 28 percent, Washington currently has the nation's highest recycling rate. This high level of recycling is due, in part, to 1989 legislation that requires curbside recycling in urban areas of the state and establishes a goal of 50 percent recycling by 1995. This legislation also established an award program of \$10,000 per award for the grade school, junior high, and high school with the best waste reduction and recycling program.

Markets for recyclable materials have not developed at the same pace as have local collection programs. As a result, the price paid for many recyclables has decreased. Expected increases in population and waste generation rates could triple the amount of recyclables collected within the next 20 years.

Used oil can be readily processed into a fuel for use in ocean-going vessels and in certain land-based facilities. With more extensive processing, used oil can also be made back into a lubricating oil. No such processing capability currently exists within the state. Gas stations have typically accepted used oil from the public, however liability concerns have caused most gas stations to stop accepting used oil. The lack of locations to accept used oil from the public has caused concern that used oil is causing contamination of drinking water through its improper disposal.

Summary of Bill:

Packaging

Plastic bottles must have a label depicting the type of plastic resin used in its manufacture. The amount of certain toxic metals in packaging is reduced over a six-year period. In 1995, the state solid waste advisory committee must report to the Legislature on the need to restrict other metals from packaging materials.

The number of awards for school recycling programs is increased from three to 15. A \$5,000 award is created for the school with the best waste reduction program.

A task force on recycling funding is created. The task force is to consist of 14 persons including legislative, agency, local government, business, and environmental representatives. The task force must report its findings on long-term funding mechanisms for recycling programs to the Legislature by December, 1991. The task force terminates in January, 1992.

Clean Washington Center

The Clean Washington Center is created within the Department of Trade and Economic Development (DTED). The board will consist of 11 members as follows: two members from the Legislature, two from local governments, six from private industry, and the director of DTED as an ex-officio member. The center must develop an annual work plan specifying the center's activities. The first plan is to emphasize markets for yard waste, mixed waste paper, and plastics. An account is created within the state treasury to receive fees, grants, and/or gifts.

Used Oil Recycling

By July 1, 1993, cities and counties are required to amend household hazardous waste plans to include specific provisions for collecting used oil from the public.

By July 1, 1992, the Department of Ecology must prepare used oil guidelines for cities and counties. The guidelines must establish a statewide recycling goal and local recycling goals. The department must also recommend the number of sites needed to achieve such goals. The department is directed to prepare guidelines in conjunction with cities and counties amending their plans.

Persons selling 1,000 or more gallons of lubricating oil per year or selling more than 500 oil filters per year are required to post signs stating where used oil can be recycled. Such persons are also required to sell containers for collecting used oil.

The Department of Ecology must conduct a state-wide education program on used oil recycling and assist cities and counties in local education programs.

By July 1, 1992, used oil cannot be used for dust suppression or weed control. Kits incorporating an

absorbent to collect used oil for recycling is also prohibited.

By July 1, 1992, persons transporting used oil for profit must conform to rules adopted by the Department of Ecology.

Regulatory standards for used oil are put into statute. Exemptions from such standards are made for used oil burned in certain commercial space heaters, ocean-going vessels, and as provided by Department of Ecology or local air authorities. The standard for lead is tightened to 50 parts per million in 1995. The Department of Ecology is directed to develop standards for blending used oil into fuels.

Fiscal Note: Available. Fiscal note for substitute requested March 7, 1991.

Effective Date: The bill contains an emergency clause and takes effect immediately. However, the bill is null and void unless funded in the budget.

Testimony For: (Environmental Affairs): The center is desperately needed to help develop markets for recyclable materials. Funding for the center should be a "front-end" tax similar to the existing litter tax. Local governments should be allowed to ban products and packages for which disposal is difficult.

(Revenue): Same as Committee on Environmental Affairs.

Testimony Against: (Environmental Affairs): The center should be funded through existing revenue sources. Businesses should be allowed to develop solutions to disposal problems without the threat of bans.

(Revenue): Same as Committee on Environmental Affairs.

Witnesses: (Environmental Affairs): Mike Todd, Washington Citizens for Recycling and Pacific Energy Institute (pro); Jerry Hayes, Sonoco Products Company (didn't say); Bruce Wishart, Sierra Club (pro); Kathy Gill, Northwest Paper Products Association (both); Ray Hoffman, Seattle Solid Waste (both); Joe Tanner and Greg Wright, Washington State Recycling Association (pro); Vicki Mercer, National Audubon Society (pro); Joe Bushnell, Tacoma Recycling (pro); Jerry L. Graham and Terilyn Anderson, King County Commission for Recycling Markets (pro); Elizabeth Tabbitt, Washington Environmental Council (didn't say); Steve Drury, Northwest Process (pro); Jeanne Engerman, Washington Citizens for Recycling Foundation (pro); Jan Glick, Washington Citizens for Recycling (pro); Jan Gee, Washington Retailers Association (pro); Robert Taylor, ALCOA (didn't say);

Kathleen Collins, Associated Washington Cities (both); David Dougherty, Department of Trade and Economic Development (pro); Kris Backes, Associated Washington Businesses (both); Jim Steadman, Nalley's Fine Foods, Tacoma (both); Terry Husseman, Department of Ecology (pro); and Dale Vincent, U.S. West Communications (con).

(Revenue): Jan Gee, Washington Retail Association (pro with amendments); Rick Wickman, Association of Cos (pro); Kathy Gill, NWPPA (both); Joe Tanner, Washington State Recycling Association (pro); Ray Hoffman, City of Seattle, Solid Waste Utility (both); and Doris Cellarius, Sierra Club (pro).