
SENATE BILL 5687

State of Washington

52nd Legislature

1991 Regular Session

By Senators Wojahn, Talmadge, Moore and Pelz.

Read first time February 14, 1991. Referred to Committee on Environment & Natural Resources.

1 AN ACT Relating to disposable diapers; amending RCW 70.95.110,
2 70.95.185, and 70.95.190; adding a new section to chapter 70.95 RCW;
3 adding a new chapter to Title 70 RCW; providing an effective date; and
4 declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature finds that disposable
7 baby diapers on the market are not biodegradable nor are the diapers
8 recyclable. These diapers eventually end up in landfills where the
9 diapers will remain unaffected by organic processes that would break
10 down products that are biodegradable. The legislature also finds that
11 the disposal of disposable diapers in landfills is unsanitary and poses
12 a greater risk of spreading viral or bacterial infections. For these
13 reasons, the legislature finds that disposable baby diapers are
14 hazardous to the health and welfare of the citizens of this state, and

1 are detrimental to this state's environmental welfare. Therefore the
2 legislature intends to ban the sale and disposal of disposable diapers.

3 NEW SECTION. **Sec. 2.** Unless the context clearly requires
4 otherwise, the definitions in this section apply throughout this
5 chapter.

6 (1) "Disposable diaper" means those diapers designed, marketed, or
7 intended for one-time use.

8 (2) "Department" means the department of ecology created under
9 chapter 43.21A RCW.

10 (3) "Person" means an individual or a public or private
11 organization that is recognized as a person under the laws of this
12 state.

13 NEW SECTION. **Sec. 3.** No person in this state may sell or
14 offer to sell, dispose or offer to dispose of, disposable diapers in
15 any quantity.

16 NEW SECTION. **Sec. 4.** The department shall administer and
17 enforce this chapter. The department shall adopt rules under chapter
18 34.05 RCW to implement this chapter and that accomplish the
19 legislature's intent.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 70.95 RCW
21 to read as follows:

22 After January 1, 1996, no landfill or disposal site may accept
23 disposable diapers. The department shall establish a program that will
24 phase in the ban and that may provide for an earlier effective date.

1 **Sec. 6.** RCW 70.95.110 and 1989 c 431 s 5 are each amended to read
2 as follows:

3 (1) The comprehensive county solid waste management plans and any
4 comprehensive city solid waste management plans prepared in accordance
5 with RCW 70.95.080 shall be maintained in a current condition and
6 reviewed and revised periodically by counties and cities as may be
7 required by the department. Upon each review such plans shall be
8 extended to show long-range needs for solid waste handling facilities
9 for twenty years in the future, and a revised construction and capital
10 acquisition program for six years in the future. Each revised solid
11 waste management plan shall be submitted to the department.

12 Each plan shall be reviewed and revised within five years of July
13 1, 1984, and thereafter shall be reviewed, and revised if necessary
14 according to the schedule provided in subsection (2) of this section.

15 (2) Cities and counties preparing solid waste management plans
16 shall submit the waste reduction and recycling element required in RCW
17 70.95.090 and any revisions to other elements of its comprehensive
18 solid waste management plan to the department no later than:

19 (a) July 1, 1991, for class one areas;

20 (b) July 1, 1992, for class two areas; and

21 (c) July 1, 1994, for class three areas.

22 Thereafter, each plan shall be reviewed and revised, if necessary,
23 at least every five years. Nothing in this act shall prohibit local
24 governments from submitting a plan prior to the dates listed in this
25 subsection.

26 (3) The classes of areas are defined as follows:

27 (a) Class one areas are the counties of Spokane, Snohomish, King,
28 Pierce, and Kitsap and all the cities therein.

29 (b) Class two areas are all other counties located west of the
30 crest of the Cascade mountains and all the cities therein.

1 (c) Class three areas are the counties east of the crest of the
2 Cascade mountains and all the cities therein, except for Spokane
3 county.

4 (4) Cities and counties shall begin implementing the programs to
5 collect source separated materials no later than one year following the
6 adoption and approval of the waste reduction and recycling element and
7 these programs shall be fully implemented within two years of approval.

8 (5) Within six months of the effective date of section 5 of this
9 act, cities and counties shall amend their solid waste management plans
10 to include the phased-in ban on disposable diapers adopted by the
11 department.

12 **Sec. 7.** RCW 70.95.185 and 1984 c 123 s 8 are each amended to read
13 as follows:

14 Every permit issued by a jurisdictional health department under RCW
15 70.95.180 shall be reviewed by the department to ensure that the
16 proposed site or facility conforms with:

17 (1) All applicable laws and regulations including the minimal
18 functional standards for solid waste handling and the ban on disposable
19 diapers; and

20 (2) The approved comprehensive solid waste management plan.

21 The department shall review the permit within thirty days after the
22 issuance of the permit by the jurisdictional health department. The
23 department may appeal the issuance of the permit by the jurisdictional
24 health department to the pollution control hearings board, as described
25 in chapter 43.21B RCW, for noncompliance with subsection (1) or (2) of
26 this section.

27 No permit issued pursuant to RCW 70.95.180 after June 7, 1984,
28 shall be considered valid unless it has been reviewed by the
29 department.

1 **Sec. 8.** RCW 70.95.190 and 1984 c 123 s 9 are each amended to read
2 as follows:

3 Every permit for a solid waste disposal site shall be renewed
4 annually on a date to be established by the jurisdictional health
5 department having jurisdiction of the site. Prior to renewing a
6 permit, the health department shall conduct such inspections as it
7 deems necessary to assure that the solid waste disposal site and
8 facilities located on the site meet minimum functional standards of the
9 department, applicable local regulations, the ban on disposable
10 diapers, and are not in conflict with the approved solid waste
11 management plan. The department shall review and may appeal the
12 renewal as set forth for the approval of permits in RCW 70.95.185.

13 A renewal issued under this section shall not be considered valid
14 unless it has been reviewed by the department.

15 NEW SECTION. **Sec. 9.** Sections 1 through 4 of this act shall
16 constitute a new chapter in Title 70 RCW.

17 NEW SECTION. **Sec. 10.** Sections 1 through 4 of this act shall
18 take effect July 1, 1992.

19 NEW SECTION. **Sec. 11.** Sections 5 through 8 of this act are
20 necessary for the immediate preservation of the public peace, health,
21 or safety, or support of the state government and its existing public
22 institutions, and shall take effect immediately.