
SENATE BILL 5539

State of Washington

56th Legislature

1999 Regular Session

By Senators Fairley, Fraser and Kline

Read first time 01/27/1999. Referred to Committee on Environmental Quality & Water Resources.

1 AN ACT Relating to state and local procurement of recycled content
2 products; amending RCW 43.19A.010, 43.19A.020, 43.19A.030, 43.19A.050,
3 43.19A.070, and 43.19A.060; and adding a new section to chapter 43.19A
4 RCW.

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

6 **Sec. 1.** RCW 43.19A.010 and 1992 c 174 s 12 are each amended to
7 read as follows:

8 Unless the context clearly requires otherwise, the definitions in
9 this section apply throughout this chapter.

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

13 (2) "Department" means the department of general administration.

14 (3) "Director" means the director of the department of general
15 administration.

16 (4) "Local government" means a city, town, county, special purpose
17 district, school district, or other municipal corporation.

18 (5) "Lubricating oil" means petroleum-based oils for reducing
19 friction in engine parts and other mechanical parts.

1 (6) "Mixed waste paper" means assorted low-value grades of paper
2 that have not been separated into individual grades of paper at the
3 point of collection.

4 (7) "Municipal sewage sludge" means a semisolid substance
5 consisting of settled sewage solids combined with varying amounts of
6 water and dissolved materials generated from a publicly owned
7 wastewater treatment plant.

8 (8) "Biosolids" means municipal sewage sludge or septic tank
9 septage sludge that meets the requirements of chapter 70.95J RCW.

10 (9) "Paper and paper products" means all items manufactured from
11 paper or paperboard.

12 (10) "Postconsumer waste" means a material or product that has
13 served its intended use and has been discarded for disposal or recovery
14 by a final consumer.

15 (11) "Procurement officer" means the person that has the primary
16 responsibility for procurement of materials or products.

17 (12) "State agency" means all units of state government, including
18 divisions of the governor's office, the legislature, the judiciary,
19 state agencies and departments, correctional institutions, vocational
20 technical institutions, and universities and colleges.

21 (13) "Recycled content product" or "recycled product" means a
22 product containing recycled materials.

23 (14) "Recycled materials" means waste materials and by-products
24 that have been recovered or diverted from solid waste and that can be
25 utilized in place of a raw or virgin material in manufacturing a
26 product and consists of materials derived from postconsumer waste,
27 manufacturing waste, industrial scrap, agricultural wastes, and other
28 items, all of which can be used in the manufacture of new or recycled
29 products.

30 (15) "Re-refined oils" means used lubricating oils from which the
31 physical and chemical contaminants acquired through previous use have
32 been removed through a refining process. Re-refining may include
33 distillation, hydrotreating, or treatments employing acid, caustic,
34 solvent, clay, or other chemicals, or other physical treatments other
35 than those used in reclaiming.

36 (16) "State procurement officer" or "officer" means the person
37 designated by the director under section 7 of this act.

1 (17) "USEPA product standards" means the product standards of the
2 United States environmental protection agency for recycled content
3 published in the code of federal regulations.

4 **Sec. 2.** RCW 43.19A.020 and 1996 c 198 s 1 are each amended to read
5 as follows:

6 (1) The USEPA product standards, as now or hereafter amended, are
7 adopted as the minimum standards for the state of Washington. These
8 standards shall be implemented for at least the products listed in (a)
9 and (b) of this subsection by the dates indicated, unless the
10 (~~director~~) state procurement officer finds that a different standard
11 would significantly increase recycled product availability or
12 competition.

13 (a) By July 1, 1997:

- 14 (i) Paper and paper products;
- 15 (ii) Organic recovered materials; and
- 16 (iii) Latex paint products;

17 (b) By July 1, 1997:

- 18 (i) Products for lower value uses containing recycled plastics;
- 19 (ii) Retread and remanufactured tires;
- 20 (iii) Lubricating oils;
- 21 (iv) Automotive batteries;
- 22 (v) Building insulation;
- 23 (vi) Panelboard; and
- 24 (vii) Compost products.

25 (2) The standards required by this section shall be applied to
26 recycled product purchasing by the department and other state agencies.
27 The standards may be adopted or applied by any other local government
28 in product procurement. The standards shall provide for exceptions
29 under appropriate circumstances to allow purchases of recycled products
30 that do not meet the minimum content requirements of the standards.

31 **Sec. 3.** RCW 43.19A.030 and 1998 c 245 s 57 are each amended to
32 read as follows:

33 (1) By January 1, 1993, each local government shall review its
34 existing procurement policies and specifications to determine whether
35 recycled products are intentionally or unintentionally excluded. The
36 policies and specifications shall be revised to include such products

1 unless a recycled content product does not meet an established
2 performance standard of the agency.

3 (2) By fiscal year 1994, each local government shall adopt a
4 minimum purchasing goal for recycled content as a percentage of the
5 total dollar value of supplies purchased. To assist in achieving this
6 goal each local government shall adopt a strategy by January 1, 1993,
7 and shall submit a description of the strategy to the department. All
8 public agencies shall respond to requests for information from the
9 department for the purpose of its reporting requirements under this
10 section.

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

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

18 (5) The state procurement officer shall conduct a survey of those
19 local governments to which this section applies regarding revisions in
20 procurement policies and specifications, adoption of recycled content
21 product procurement goals, and adoption of preferential purchase
22 policies authorized by RCW 43.19A.040. The officer shall ensure that
23 the survey includes current procurement policies and experience in
24 reaching the local government's goals. The officer shall report the
25 results of the survey to the environmental and state and local
26 government committees of the house of representatives and the senate
27 not later than December 31, 2000.

28 **Sec. 4.** RCW 43.19A.050 and 1996 c 198 s 2 are each amended to read
29 as follows:

30 The ((department)) state procurement officer shall prepare a
31 strategy to increase purchases of recycled-content products by the
32 department and all state agencies, including higher education
33 institutions. The strategy shall include purchases from public works
34 contracts. The strategy shall address the purchase of plastic
35 products, retread and remanufactured tires, motor vehicle lubricants,
36 latex paint, and lead acid batteries having recycled content. In
37 addition, the strategy shall incorporate actions to achieve the

1 following purchase level goals of recycled content paper and compost
2 products:

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

5 (a) At least sixty percent by 1996;

6 (b) At least seventy percent by 1997;

7 (c) At least eighty percent by 1998.

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

10 (a) At least forty percent by 1996;

11 (b) At least sixty percent by 1997;

12 (c) At least eighty percent by 1998.

13 **Sec. 5.** RCW 43.19A.070 and 1991 c 297 s 9 are each amended to read
14 as follows:

15 (1) The ((department)) state procurement officer shall implement an
16 education program to encourage maximum procurement of recycled products
17 by state and local government entities. The program shall include at
18 least the following:

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

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

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

28 (2) The ((director)) state procurement officer shall, in
29 consultation with the department of ecology, make available to the
30 public, local jurisdictions, and the private sector, a comprehensive
31 list of substitutes for extremely hazardous, hazardous, toxic, and
32 nonrecyclable products, and disposable products intended for a single
33 use. The department and all state agencies exercising the purchasing
34 authorities of the department shall include the substitute products on
35 bid notifications, except where the department allows an exception
36 based upon product availability, price, suitability for intended use,
37 or similar reasons.

1 (3) The ((department)) state procurement officer shall prepare
2 model procurement guidelines for use by local governments.

3 **Sec. 6.** RCW 43.19A.060 and 1991 c 297 s 8 are each amended to read
4 as follows:

5 (1) The department shall develop a data base of available products
6 with recycled-content products, and vendors supplying such products.
7 The data base shall incorporate information regarding product
8 consistency with the content standards adopted under RCW 43.19A.020.
9 The data base shall incorporate information developed through state and
10 local government procurement of recycled-content products. The state
11 procurement officer shall survey existing research and literature on
12 product performance and use such information to periodically update the
13 data base.

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

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

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

23 (b) Price;

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

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

27 NEW SECTION. **Sec. 7.** A new section is added to chapter 43.19A RCW
28 to read as follows:

29 From within existing staff of the department on the effective date
30 of this act, the director shall designate a state procurement officer.
31 The officer shall be responsible for administering the department's
32 recycled content product procurement duties under this chapter.

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