

CERTIFICATION OF ENROLLMENT  
**ENGROSSED SUBSTITUTE HOUSE BILL 2713**

Chapter 290, Laws of 2020  
(partial veto)

66th Legislature  
2020 Regular Session

COMPOST PROCUREMENT AND USE

EFFECTIVE DATE: June 11, 2020

Passed by the House March 9, 2020  
Yeas 95 Nays 1

\_\_\_\_\_  
LAURIE JINKINS

**Speaker of the House of  
Representatives**

Passed by the Senate March 5, 2020  
Yeas 48 Nays 0

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CYRUS HABIB

**President of the Senate**

Approved April 2, 2020 2:37 PM with  
the exception of section 4, which is  
vetoed.

\_\_\_\_\_  
JAY INSLEE

**Governor of the State of Washington**

CERTIFICATE

I, Bernard Dean, Chief Clerk of the  
House of Representatives of the  
State of Washington, do hereby  
certify that the attached is  
**ENGROSSED SUBSTITUTE HOUSE BILL  
2713** as passed by the House of  
Representatives and the Senate on  
the dates hereon set forth.

\_\_\_\_\_  
BERNARD DEAN

**Chief Clerk**

FILED

April 3, 2020

**Secretary of State  
State of Washington**

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**ENGROSSED SUBSTITUTE HOUSE BILL 2713**

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AS AMENDED BY THE SENATE

Passed Legislature - 2020 Regular Session

**State of Washington**

**66th Legislature**

**2020 Regular Session**

**By** House State Government & Tribal Relations (originally sponsored by Representatives Walen, Chandler, Springer, Kretz, Fitzgibbon, Blake, Doglio, Davis, Ramel, Goodman, and Pollet)

READ FIRST TIME 02/07/20.

1 AN ACT Relating to encouraging compost procurement and use;  
2 adding new sections to chapter 43.19A RCW; creating new sections; and  
3 providing an expiration date.

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

5 NEW SECTION. **Sec. 1.** The legislature finds and declares that  
6 local compost manufacturing plays a critical role in our state's  
7 solid waste infrastructure. Composting benefits Washington agencies,  
8 counties, cities, businesses, and residents by diverting hundreds of  
9 thousands of tons of organic waste from landfills, reducing solid  
10 waste costs, and lowering carbon emissions. The legislature finds  
11 that a growing number of local governments are recognizing the  
12 benefits of composting programs and offering compost collection to  
13 their residents and businesses. The diversion of food waste from  
14 landfills to compost processors remains critical for state and local  
15 governments to meet their ambitious diversion goals.

16 The legislature also finds that composting is a strong carbon  
17 reduction industry for Washington, as the application of compost to  
18 soil systems permits increased carbon sequestration. Compost can also  
19 replace synthetic chemical fertilizer, prevent topsoil erosion, and  
20 filter stormwater on green infrastructure projects such as rain  
21 gardens and retention ponds.

1 The legislature declares that state and local governments should  
2 lead by example by purchasing and using local compost that meets  
3 state standards and by encouraging farming operations to do so as  
4 well.

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 43.19A  
6 RCW to read as follows:

7 (1) When planning government-funded projects or soliciting and  
8 reviewing bids for such projects, all state agencies and local  
9 governments shall consider whether compost products can be utilized  
10 in the project.

11 (2) If compost products can be utilized in the project, the state  
12 agency or local government must use compost products, except as  
13 follows:

14 (a) A state agency or local government is not required to use  
15 compost products if:

16 (i) Compost products are not available within a reasonable period  
17 of time;

18 (ii) Compost products that are available do not comply with  
19 existing purchasing standards;

20 (iii) Compost products that are available do not comply with  
21 federal or state health, quality, and safety standards; and

22 (iv) Compost purchase prices are not reasonable or competitive;  
23 and

24 (b) A state agency is also not required to use compost products  
25 in a project if:

26 (i) The total cost of using compost is financially prohibitive;

27 (ii) Application of compost will have detrimental impacts on the  
28 physical characteristics and nutrient condition of the soil as it is  
29 used for a specific crop;

30 (iii) The project consists of growing trees in a greenhouse  
31 setting, including seed orchard greenhouses; or

32 (iv) The compost products that are available have not been  
33 certified as being free of crop-specific pests and pathogens,  
34 including pests and pathogens that could result in the denial of  
35 phytosanitary permits for shipping seedlings.

36 (3) Before the transportation or application of compost products  
37 under this section, composting facilities, state agencies, and local  
38 governments must ensure compliance with department of agriculture  
39 pest control regulations provided in chapter 16-470 WAC.

1 (4) State agencies and local governments are encouraged to give  
2 priority to purchasing compost products from companies that produce  
3 compost products locally, are certified by a nationally recognized  
4 organization, and produce compost products that are derived from  
5 municipal solid waste compost programs and meet quality standards  
6 adopted by rule by the department of ecology.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.19A  
8 RCW to read as follows:

9 (1) Each local government that provides a residential composting  
10 service is encouraged to enter into a purchasing agreement with its  
11 compost processor to buy back finished compost products for use in  
12 government projects or on government land. The local government is  
13 encouraged to purchase an amount of finished compost product that is  
14 equal to or greater than fifty percent of the amount of organic  
15 residuals it delivered to the compost processor. Local governments  
16 may enter into collective purchasing agreements if doing so is more  
17 cost-effective or efficient. The compost processor should offer a  
18 purchase price that is reasonable and competitive for the specific  
19 market.

20 (2) When purchasing compost products for use in government  
21 projects or on government-owned land, local governments are  
22 encouraged to purchase compost with at least eight percent food  
23 waste, or an amount of food waste that is commensurate with that in  
24 the local jurisdiction's curbside collection program.

25 \*NEW SECTION. **Sec. 4.** *(1) Subject to amounts appropriated for*  
26 *this specific purpose, the department of agriculture must establish*  
27 *and implement a three-year compost reimbursement pilot program to*  
28 *reimburse farming operations in the state for purchasing and using*  
29 *compost products from facilities with solid waste handling permits,*  
30 *including transportation, equipment, spreading, and labor costs. The*  
31 *grant reimbursements under the pilot program will begin January 1,*  
32 *2021, and conclude December 31, 2023. For purposes of this program,*  
33 *"farming operation" means: A commercial agricultural, silvicultural,*  
34 *or aquacultural facility or pursuit, including the care and*  
35 *production of livestock and livestock products, poultry and poultry*  
36 *products, apiary products, and plant and animal production for*  
37 *nonfood uses; the planting, cultivating, harvesting, and processing*

1 of crops; and the farming or ranching of any plant or animal species  
2 in a controlled salt, brackish, or freshwater environment.

3 (2) To be eligible to participate in the reimbursement pilot  
4 program, a farming operation must complete an eligibility review with  
5 the department of agriculture prior to transporting or applying any  
6 compost products for which reimbursement will be sought under this  
7 section. The purpose of the review is for the department of  
8 agriculture to ensure that the proposed transport and application of  
9 compost products is consistent with the department's agricultural  
10 pest control rules in chapter 16-470 WAC. A farming operation must  
11 also verify that soil sampling will be allowed as necessary to  
12 establish a baseline of soil quality and carbon storage and for  
13 subsequent department of agriculture evaluations to assist the  
14 department's reporting requirements under subsection (9) of this  
15 section.

16 (3) The department of agriculture must create a form for eligible  
17 farming operations to apply for cost reimbursement. All applications  
18 for cost reimbursement must be submitted on the form along with  
19 documentation of the costs of purchasing and using compost products  
20 for which the applicant is requesting reimbursement. The department  
21 of agriculture may request that an applicant provide information to  
22 verify the source, size, sale weight, or amount of compost products  
23 purchased and the cost of transportation, equipment, spreading, and  
24 labor. The applicant must also declare that it is not seeking  
25 reimbursement for:

26 (a) Its own compost products;

27 (b) Compost products that it has transferred, or intends to  
28 transfer, to another individual or entity, whether or not for  
29 compensation; or

30 (c) Compost products that were not purchased from a facility with  
31 a solid waste handling permit.

32 (4) A farming operation may submit only one application per year  
33 for purchases made and usage costs incurred during the fiscal year  
34 that begins on July 1st and ends on June 30th of each year in which  
35 the pilot program is in effect. Applications for reimbursement must  
36 be filed before the end of the fiscal year in which purchases were  
37 made and usage costs incurred.

38 (5) The department of agriculture must distribute reimbursement  
39 funds, subject to the following limitations:

1 (a) The department of agriculture must distribute reimbursements  
2 in a manner that prioritizes small farming operations as measured by  
3 acreage;

4 (b) No farming operation may receive reimbursement if it was not  
5 found eligible for reimbursement by the department of agriculture  
6 prior to transport or use under subsection (2) of this section;

7 (c) No farming operation may receive reimbursement for more than  
8 fifty percent of the costs it incurs for the purchase and use of  
9 compost products, including transportation, equipment, spreading, and  
10 labor costs;

11 (d) No farming operation may receive more than ten thousand  
12 dollars per year;

13 (e) No farming operation may receive reimbursement for its own  
14 compost products or compost products that it has transferred, or  
15 intends to transfer, to another individual or entity, whether or not  
16 for compensation; and

17 (f) No farming operation may receive reimbursement for compost  
18 products that were not purchased from a facility with a solid waste  
19 handling permit.

20 (6) The applicant shall indemnify and hold harmless the state and  
21 its officers, agents, and employees from all claims arising out of or  
22 resulting from the compost products purchased that are subject to the  
23 compost reimbursement pilot program under this section.

24 (7) There is established within the department of agriculture a  
25 compost reimbursement pilot program manager position. The compost  
26 reimbursement pilot program manager must possess knowledge and  
27 expertise in the area of program management necessary to carry out  
28 the duties of the position, which are to:

29 (a) Facilitate the division and distribution of available costs  
30 for reimbursement; and

31 (b) Manage the day-to-day coordination of the compost  
32 reimbursement pilot program.

33 (8) Any action taken by the department of agriculture pursuant to  
34 this section is exempt from the rule-making requirements of chapter  
35 34.05 RCW.

36 (9) The department of agriculture must submit an annual report to  
37 the appropriate committees of the legislature by January 15th of each  
38 year of the program, with a final report due January 15, 2024. The  
39 report must include:

1       (a) *The amount of compost for which reimbursement was sought*  
2 *under the program;*

3       (b) *The qualitative or quantitative effects of the program on*  
4 *soil quality and carbon storage; and*

5       (c) *An evaluation of the benefits and costs to the state of*  
6 *continuing, expanding, or furthering the strategies explored in the*  
7 *pilot program.*

8       (10) *This section expires June 30, 2024.*

*\*Sec. 4 was vetoed. See message at end of chapter.*

Passed by the House March 9, 2020.

Passed by the Senate March 5, 2020.

Approved by the Governor April 2, 2020, with the exception of certain items that were vetoed.

Filed in Office of Secretary of State April 3, 2020.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 4, Engrossed Substitute House Bill No. 2713 entitled:

"AN ACT Relating to encouraging compost procurement and use."

Section 4 creates a new pilot program that would reimburse farmers who purchase compost from solid waste recycling facilities. This new program is not sustainable due to a rapidly changing budget outlook.

For these reasons I have vetoed Section 4 of Engrossed Substitute House Bill No. 2713.

With the exception of Section 4, Engrossed Substitute House Bill No. 2713 is approved."

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