

E2SSB 5022 - H COMM AMD
By Committee on Appropriations

ADOPTED AND ENGROSSED 4/7/21

1 Strike everything after the enacting clause and insert the
2 following:

3 NEW SECTION. **Sec. 1.** FINDINGS—INTENT. (1) The legislature
4 finds that minimum recycled content requirements for plastic beverage
5 containers, trash bags, and household cleaning and personal care
6 product containers, bans on problematic and unnecessary plastic
7 packaging, and standards for customer opt-in for food service
8 packaging and accessories are among actions needed to improve the
9 state's recycling system as well as reduce litter.

10 (2) By implementing a minimum recycled content requirement for
11 plastic beverage containers, trash bags, and household cleaning and
12 personal care product containers; prohibiting the sale and
13 distribution of certain expanded polystyrene products; and
14 establishing optional serviceware requirements as provided for in
15 this chapter; the legislature intends to take another step towards
16 ensuring plastic packaging and other packaging materials are reduced,
17 recycled, and reused.

18 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
19 section apply throughout this chapter unless the context clearly
20 requires otherwise.

21 (1) "Beverage" means beverages identified in (a) through (f) of
22 this subsection, intended for human or animal consumption, and in a
23 quantity more than or equal to two fluid ounces and less than or
24 equal to one gallon:

- 25 (a) Water and flavored water;
- 26 (b) Beer or other malt beverages;
- 27 (c) Wine;
- 28 (d) Distilled spirits;
- 29 (e) Mineral water, soda water, and similar carbonated soft
30 drinks; and

1 (f) Any beverage other than those specified in (a) through (e) of
2 this subsection, except infant formula as defined in 21 U.S.C. Sec.
3 321(z), medical food as defined in 21 U.S.C. Sec. 360ee(b)(3), or
4 fortified oral nutritional supplements used for persons who require
5 supplemental or sole source nutritional needs due to special dietary
6 needs directly related to cancer, chronic kidney disease, diabetes,
7 or other medical conditions as determined by the department.

8 (2) "Beverage manufacturing industry" means an association that
9 represents beverage producers.

10 (3) "Condiment packaging" means packaging used to deliver single-
11 serving condiments to customers. Condiment packaging includes, but is
12 not limited to, single-serving packaging for ketchup, mustard,
13 relish, mayonnaise, hot sauce, coffee creamer, salad dressing, jelly,
14 jam, and soy sauce.

15 (4)(a) "Covered product" means an item in one of the following
16 categories subject to minimum postconsumer recycled content
17 requirements:

18 (i) Plastic trash bags;

19 (ii) Household cleaning and personal care products that use
20 plastic household cleaning and personal care product containers; and

21 (iii) Beverages that use plastic beverage containers.

22 (b) "Covered product" does not include any type of container or
23 bag for which the state is preempted from regulating content of the
24 container material or bag material under federal law.

25 (5) "Dairy milk" means a beverage that designates milk as the
26 predominant (first) ingredient in the ingredient list on the
27 container's label.

28 (6) "Department" means the department of ecology.

29 (7) "Expanded polystyrene" means blown polystyrene and expanded
30 and extruded foams that are thermoplastic petrochemical materials
31 utilizing a styrene monomer and processed by any number of techniques
32 including, but not limited to, fusion of polymer spheres (expandable
33 bead polystyrene), injection molding, foam molding, and extrusion-
34 blow molding (extruded foam polystyrene).

35 (8) "Food service business" means a business selling or providing
36 food for consumption on or off the premises, and includes full-
37 service restaurants, fast food restaurants, cafes, delicatessens,
38 coffee shops, grocery stores, vending trucks or carts, home delivery
39 services, delivery services provided through an online application,
40 and business or institutional cafeterias.

1 (9) "Food service product" means a product intended for one-time
2 use and used for food or drink offered for sale or use. Food service
3 products include, but are not limited to, containers, plates, bowls,
4 cups, lids, beverage containers, meat trays, deli rounds, utensils,
5 sachets, straws, condiment packaging, clamshells and other hinged or
6 lidded containers, wrap, and portion cups.

7 (10) "Household cleaning and personal care product" means any of
8 the following:

9 (a) Laundry detergents, softeners, and stain removers;

10 (b) Household cleaning products;

11 (c) Liquid soap;

12 (d) Shampoo, conditioner, styling sprays and gels, and other hair
13 care products; or

14 (e) Lotion, moisturizer, facial toner, and other skin care
15 products.

16 (11) "Household cleaning and personal care product manufacturing
17 industry" means an association that represents companies that
18 manufacture household cleaning and personal care products.

19 (12) "Licensee" means a manufacturer or entity who licenses a
20 brand and manufactures a covered product under that brand.

21 (13) "Oral nutritional supplement" means a manufactured liquid,
22 powder capable of being reconstituted, or solid product that contains
23 a combination of carbohydrates, proteins, fats, fiber, vitamins, and
24 minerals intended to supplement a portion of a patient's nutrition
25 intake.

26 (14) "Plastic beverage container" means a bottle or other rigid
27 container that is capable of maintaining its shape when empty,
28 comprised solely of one or multiple plastic resins designed to
29 contain a beverage. Plastic beverage container does not include:

30 (a) Refillable beverage containers, such as containers that are
31 sufficiently durable for multiple rotations of their original or
32 similar purpose and are intended to function in a system of reuse;

33 (b) Rigid plastic containers or plastic bottles that are or are
34 used for medical devices, medical products that are required to be
35 sterile, nonprescription and prescription drugs, or dietary
36 supplements as defined in RCW 82.08.0293;

37 (c) Bladders or pouches that contain wine; or

38 (d) Liners, caps, corks, closures, labels, and other items added
39 externally or internally but otherwise separate from the structure of
40 the bottle or container.

1 (15) (a) "Plastic household cleaning and personal care product
2 container" means a bottle, jug, or other rigid container with a neck
3 or mouth narrower than the base, and:

4 (i) A minimum capacity of eight fluid ounces or its equivalent
5 volume;

6 (ii) A maximum capacity of five fluid gallons or its equivalent
7 volume;

8 (iii) That is capable of maintaining its shape when empty;

9 (iv) Comprised solely of one or multiple plastic resins; and

10 (v) Containing a household cleaning or personal care product.

11 (b) "Plastic household cleaning and personal care product
12 container" does not include:

13 (i) Refillable household cleaning and personal care product
14 containers, such as containers that are sufficiently durable for
15 multiple rotations of their original or similar purpose and are
16 intended to function in a system of reuse; and

17 (ii) Rigid plastic containers or plastic bottles that are medical
18 devices, medical products that are required to be sterile, and
19 nonprescription and prescription drugs, dietary supplements as
20 defined in RCW 82.08.0293, and packaging used for those products.

21 (16) "Plastic trash bag" means a bag that is made of
22 noncompostable plastic, is at least 0.70 mils thick, and is designed
23 and manufactured for use as a container to hold, store, or transport
24 materials to be discarded or recycled, and includes, but is not
25 limited to, a garbage bag, recycling bag, lawn or leaf bag, can liner
26 bag, kitchen bag, or compactor bag. "Plastic trash bag" does not
27 include any compostable bags meeting the requirements of chapter
28 70A.455 RCW.

29 (17) "Plastic trash bag manufacturing industry" means an
30 association that represents companies that manufacture plastic trash
31 bags.

32 (18) "Postconsumer recycled content" means the content of a
33 covered product made of recycled materials derived specifically from
34 recycled material generated by households or by commercial,
35 industrial, and institutional facilities in their role as end users
36 of a product that can no longer be used for its intended purpose.
37 "Postconsumer recycled content" includes returns of material from the
38 distribution chain.

39 (19) (a) "Producer" means the following person responsible for
40 compliance with minimum postconsumer recycled content requirements

1 under this chapter for a covered product sold, offered for sale, or
2 distributed in or into this state:

3 (i) If the covered product is sold under the manufacturer's own
4 brand or lacks identification of a brand, the producer is the person
5 who manufactures the covered product;

6 (ii) If the covered product is manufactured by a person other
7 than the brand owner, the producer is the person who is the licensee
8 of a brand or trademark under which a covered product is sold,
9 offered for sale, or distributed in or into this state, whether or
10 not the trademark is registered in this state, unless the
11 manufacturer or brand owner of the covered product has agreed to
12 accept responsibility under this chapter; or

13 (iii) If there is no person described in (a)(i) and (ii) of this
14 subsection over whom the state can constitutionally exercise
15 jurisdiction, the producer is the person who imports or distributes
16 the covered product in or into the state.

17 (b) "Producer" does not include:

18 (i) Government agencies, municipalities, or other political
19 subdivisions of the state;

20 (ii) Registered 501(c)(3) charitable organizations and 501(c)(4)
21 social welfare organizations; or

22 (iii) De minimis producers that annually sell, offer for sale,
23 distribute, or import in or into the country for sale in Washington:

24 (A) Less than one ton of a single category of plastic beverage
25 containers, plastic household cleaning and personal care containers,
26 or plastic trash bags each year; or

27 (B) A single category of a covered product that in aggregate
28 generates less than \$1,000,000 each year in revenue.

29 (20)(a) "Retail establishment" means any person, corporation,
30 partnership, business, facility, vendor, organization, or individual
31 that sells or provides merchandise, goods, or materials directly to a
32 customer.

33 (b) "Retail establishment" includes, but is not limited to, food
34 service businesses, grocery stores, department stores, hardware
35 stores, home delivery services, pharmacies, liquor stores,
36 restaurants, catering trucks, convenience stores, or other retail
37 stores or vendors, including temporary stores or vendors at farmers
38 markets, street fairs, and festivals.

39 (21)(a) "Utensil" means a product designed to be used by a
40 consumer to facilitate the consumption of food or beverages,

1 including knives, forks, spoons, cocktail picks, chopsticks, splash
2 sticks, and stirrers.

3 (b) "Utensil" does not include plates, bowls, cups, and other
4 products used to contain food or beverages.

5 NEW SECTION. **Sec. 3.** POSTCONSUMER RECYCLED CONTENT. (1) (a)
6 Beginning January 1, 2023, producers that offer for sale, sell, or
7 distribute in or into Washington:

8 (i) Beverages other than wine in 187 milliliter plastic beverage
9 containers and dairy milk in plastic beverage containers must meet
10 minimum postconsumer recycled content requirements established under
11 subsection (4) of this section; and

12 (ii) Plastic trash bags must meet minimum postconsumer recycled
13 content requirements established under subsection (6) of this
14 section.

15 (b) Beginning January 1, 2025, producers that offer for sale,
16 sell, or distribute in or into Washington household cleaning and
17 personal care products in plastic household cleaning and personal
18 care product containers must meet minimum postconsumer recycled
19 content as required under subsection (5) of this section.

20 (c) Beginning January 1, 2028, producers that offer for sale,
21 sell, or distribute in or into Washington wine in 187 milliliter
22 plastic beverage containers or dairy milk in plastic beverage
23 containers must meet minimum postconsumer recycled content as
24 required under subsection (4) of this section.

25 (2) (a) On or before April 1, 2022, and annually thereafter, a
26 producer that offers for sale, sells, or distributes in or into
27 Washington covered products must register with the department
28 individually or through a third-party representative registering on
29 behalf of a group of producers.

30 (b) The registration information submitted to the department
31 under this section must include a list of the producers of covered
32 products and the brand names of the covered products represented in
33 the registration submittal. Beginning April 1, 2024, for plastic
34 trash bags and plastic beverage containers other than wine in 187
35 milliliter plastic beverage containers and dairy milk in plastic
36 beverage containers, April 1, 2026, for plastic household and
37 personal care product containers, and April 1, 2029, for wine in 187
38 milliliter plastic beverage containers and dairy milk, a producer may
39 submit registration information at the same time as the information

1 submitted through the annual reporting required under section 4 of
2 this act.

3 (3) (a) By January 31, 2022, and every January 31st thereafter,
4 the department must:

5 (i) Prepare an annual workload analysis for public comment that
6 identifies the annual costs it expects to incur to implement,
7 administer, and enforce this section and sections 4 through 7 and
8 12(1), (2), and (4) of this act, including rule making, in the next
9 fiscal year for each category of covered products;

10 (ii) Determine a total annual fee payment by producers or their
11 third-party representatives for each category of covered products
12 that is adequate to cover, but not exceed, the workload identified in
13 (a)(i) of this subsection;

14 (iii) Until rules are adopted under (a)(iv) of this subsection,
15 issue a general order to all entities falling within the definition
16 of producer. The department must equitably determine fee amounts for
17 an individual producer or third-party representatives within each
18 category of covered product;

19 (iv) By 2024, adopt rules to equitably determine annual fee
20 payments by producers or their third-party representatives within
21 each category of covered product. Once such rules are adopted, the
22 general order issued under (a)(iii) of this subsection is no longer
23 effective; and

24 (v) Send notice to producers or their third-party representatives
25 of fee amounts due consistent with either the general order issued
26 under (a)(iii) of this subsection or rules adopted under (a)(iv) of
27 this subsection.

28 (b) The department must:

29 (i) Apply any remaining annual payment funds from the current
30 year to the annual payment for the coming year, if the collected
31 annual payment exceeds the department's costs for a given year; and

32 (ii) Increase annual payments for the coming year to cover the
33 department's costs, if the collected annual payment was less than the
34 department's costs for a given year.

35 (c) By April 1, 2022, and every April 1st thereafter, producers
36 or their third-party representative must submit a fee payment as
37 determined by the department under (a) of this subsection.

38 (4) A producer of a beverage in a plastic beverage container must
39 meet the following annual minimum postconsumer recycled content
40 percentage on average for the total quantity of plastic beverage

1 containers, by weight, that are sold, offered for sale, or
2 distributed in or into Washington by the producer effective:

3 (a) For beverages except wine in 187 milliliter plastic beverage
4 containers and dairy milk:

5 (i) January 1, 2023, through December 31, 2025: No less than 15
6 percent postconsumer recycled content plastic by weight;

7 (ii) January 1, 2026, through December 31, 2030: No less than 25
8 percent postconsumer recycled content plastic by weight; and

9 (iii) On and after January 1, 2031: No less than 50 percent
10 postconsumer recycled content plastic by weight.

11 (b) For wine in 187 milliliter plastic beverage containers and
12 dairy milk:

13 (i) January 1, 2028, through December 31, 2030: No less than 15
14 percent postconsumer recycled content plastic by weight;

15 (ii) January 1, 2031, through December 31, 2035: No less than 25
16 percent postconsumer recycled content plastic by weight; and

17 (iii) On and after January 1, 2036: No less than 50 percent
18 postconsumer recycled content plastic by weight.

19 (5) A producer of household cleaning and personal care products
20 in plastic containers must meet the following annual minimum
21 postconsumer recycled content percentage on average for the total
22 quantity of plastic containers, by weight, that are sold, offered for
23 sale, or distributed in or into Washington by the producer effective:

24 (a) January 1, 2025, through December 31, 2027: No less than 15
25 percent postconsumer recycled content plastic by weight;

26 (b) January 1, 2028, through December 31, 2030: No less than 25
27 percent postconsumer recycled content plastic by weight; and

28 (c) On and after January 1, 2031: No less than 50 percent
29 postconsumer recycled content plastic by weight.

30 (6) A producer of plastic trash bags must meet the following
31 annual minimum postconsumer recycled content percentage on average
32 for the total quantity of plastic trash bags, by weight, that are
33 sold, offered for sale, or distributed in or into Washington by the
34 producer effective:

35 (a) January 1, 2023, through December 31, 2024: No less than 10
36 percent postconsumer recycled content plastic by weight;

37 (b) January 1, 2025, through December 31, 2026: No less than 15
38 percent postconsumer recycled content plastic by weight; and

39 (c) On and after January 1, 2027: No less than 20 percent
40 postconsumer recycled content plastic by weight.

1 (7) (a) Beginning January 1, 2024, or when rule making is
2 complete, whichever is sooner, the department may, on an annual basis
3 on January 1st, review and determine for the following year whether
4 to adjust the minimum postconsumer recycled content percentage
5 required for a type of container or product or category of covered
6 products pursuant to subsection (4), (5), or (6) of this section. The
7 department's review may be initiated by the department or at the
8 petition of a producer or a covered product manufacturing industry
9 not more than once annually. When submitting a petition, producers or
10 a producer manufacturing industry must provide necessary information
11 that will allow the department to make a determination under (b) of
12 this subsection.

13 (b) In making a determination pursuant to this subsection, the
14 department must consider, at a minimum, all of the following factors:

15 (i) Changes in market conditions, including supply and demand for
16 postconsumer recycled content plastics, collection rates, and bale
17 availability both domestically and globally;

18 (ii) Recycling rates;

19 (iii) The availability of recycled plastic suitable to meet the
20 minimum postconsumer recycled content requirements pursuant to
21 subsection (4), (5), or (6) of this section, including the
22 availability of high quality recycled plastic, and food-grade
23 recycled plastic from recycling programs;

24 (iv) The capacity of recycling or processing infrastructure;

25 (v) The technical feasibility of achieving the minimum
26 postconsumer recycled content requirements in covered products that
27 are regulated under 21 C.F.R., chapter I, subchapter G, 7 U.S.C. Sec.
28 136, 15 U.S.C. Sec. 1471-1477, 49 C.F.R. Sec. 178.33b, 49 C.F.R. Sec.
29 173, 40 C.F.R. Sec. 152.10, 15 U.S.C. Sec. 1261-1278, 49 U.S.C. 5101
30 et seq., 49 C.F.R. Sec. 178.509, 49 C.F.R. Sec. 179.522, 49 C.F.R.
31 Sec. 178.600-609, and other federal laws; and

32 (vi) The progress made by producers in achieving the goals of
33 this section.

34 (c) Under (a) of this subsection:

35 (i) The department may not adjust the minimum postconsumer
36 recycled content requirements above the minimum postconsumer recycled
37 content percentages for the year under review required pursuant to
38 subsection (4), (5), or (6) of this section.

39 (ii) For plastic household cleaning and personal care product
40 containers, the department may not adjust the minimum postconsumer

1 recycled content requirements above the minimum postconsumer recycled
2 content percentages for the year under review required pursuant to
3 subsection (5) of this section or below a minimum of 10 percent.

4 (iii) For plastic trash bags, the department may not adjust the
5 minimum postconsumer recycled content requirements above the minimum
6 postconsumer recycled content percentages for the year under review
7 required pursuant to subsection (6) of this section or below the
8 minimum percentage required in subsection (6) (a) of this section.

9 (d) A producer or the manufacturing industry for a covered
10 product may appeal a decision by the department to adjust
11 postconsumer recycled content percentages under (a) of this
12 subsection or to temporarily exclude covered products from minimum
13 postconsumer recycled content requirements under subsection (8) of
14 this section to the pollution control hearings board within 30 days
15 of the department's determination.

16 (8) The department must temporarily exclude from minimum
17 postconsumer recycled content requirements for the upcoming year any
18 types of covered products in plastic containers for which a producer
19 annually demonstrates to the department by December 31st of a given
20 year that the achievement of postconsumer recycled content
21 requirements in the container material is not technically feasible in
22 order to comply with health or safety requirements of federal law,
23 including the federal laws specified in subsection (7) (b) (v) of this
24 section. A producer must continue to register and report consistent
25 with the requirements of this chapter for covered products
26 temporarily excluded from minimum postconsumer recycled content
27 requirements under this subsection.

28 (9) A producer that does not achieve the postconsumer recycled
29 content requirements established under this section is subject to
30 penalties established in section 5 of this act.

31 (10) (a) A city, town, county, or municipal corporation may not
32 implement local recycled content requirements for a covered product
33 that is subject to minimum postconsumer recycled content requirements
34 established in this section.

35 (b) A city, town, county, or municipal corporation may establish
36 local purchasing requirements that include recycled content standards
37 that exceed the minimum recycled content requirements established by
38 this chapter for plastic household cleaning and personal care product
39 containers or plastic trash bags purchased by a city, town, or
40 municipal corporation, or its contractor.

1 (11) The department may enter into contracts for the services
2 required to implement this chapter and related duties of the
3 department.

4 (12) In-state distributors, wholesalers, and retailers in
5 possession of covered products manufactured before the date that
6 postconsumer recycled content requirements become effective may
7 exhaust their existing stock through sales to the public.

8 NEW SECTION. **Sec. 4.** PRODUCER REPORTING REQUIREMENTS. (1) (a)

9 Except as provided in (b) and (c) of this subsection, beginning April
10 1, 2024, each producer of covered products, individually or through a
11 third party representing a group of producers, must provide an annual
12 report to the department that includes the amount in pounds of virgin
13 plastic and the amount in pounds of postconsumer recycled content by
14 resin type used for each category of covered products that are sold,
15 offered for sale, or distributed in or into Washington state,
16 including the total postconsumer recycled content resins as a
17 percentage of total weight. The report must be submitted in a format
18 and manner prescribed by the department. A manufacturer may submit
19 national data allocated on a per capita basis for Washington to
20 approximate the information required in this subsection if the
21 producer or third-party representative demonstrates to the department
22 that state level data are not available or feasible to generate.

23 (b) The requirements of (a) of this subsection apply to household
24 cleaning and personal care products in plastic containers beginning
25 April 1, 2026.

26 (c) The requirements of (a) of this subsection apply to wine in
27 187 milliliter plastic beverage containers and dairy milk in plastic
28 beverage containers beginning April 1, 2029.

29 (d) The department must post the information reported under this
30 subsection on its website, except as provided in subsection (2) of
31 this section.

32 (2) A producer that submits information or records to the
33 department under this chapter may request that the information or
34 records be made available only for the confidential use of the
35 department, the director, or the appropriate division of the
36 department. The director of the department must give consideration to
37 the request and if this action is not detrimental to the public
38 interest and is otherwise in accordance with the policies and
39 purposes of chapter 43.21A RCW, the director must grant the request

1 for the information to remain confidential as authorized in
2 RCW 43.21A.160.

3 NEW SECTION. **Sec. 5.** PENALTIES FOR POSTCONSUMER RECYCLED
4 CONTENT REQUIREMENTS. (1)(a) A producer that does not meet the
5 minimum postconsumer recycled content requirements pursuant to
6 section 3 of this act is subject to a penalty pursuant to this
7 section. Beginning June 1st of the year following the first year that
8 minimum postconsumer recycled product content requirements apply to a
9 category of covered product, the penalty must be calculated
10 consistent with subsection (2) of this section unless a penalty
11 reduction or corrective action plan has been approved pursuant to
12 subsection (3) of this section.

13 (b) A producer that is assessed a penalty pursuant to this
14 section may pay the penalty to the department in one payment, in
15 quarterly installments, or arrange an alternative payment schedule
16 subject to the approval of the department, not to exceed a 12-month
17 payment schedule unless the department determines an extension is
18 needed due to unforeseen circumstances, such as a public health
19 emergency, state of emergency, or natural disaster.

20 (2) Beginning June 1st of the year following the first year that
21 minimum postconsumer recycled product content requirements apply to a
22 category of covered product, and annually thereafter, the department
23 shall determine the penalty for the previous calendar year based on
24 the postconsumer recycled content requirement of the previous
25 calendar year. The department shall calculate the amount of the
26 penalty based upon the amounts in pounds in the aggregate of virgin
27 plastic, postconsumer recycled content plastic, and any other plastic
28 per category used by the producer to produce covered products sold or
29 offered for sale in or into Washington state, in accordance with the
30 following:

31 (a)(i) The annual penalty amount assessed to a producer must
32 equal the product of both of the following: The total pounds of
33 plastic used per category multiplied by the relevant minimum
34 postconsumer recycled plastic target percentage, less the pounds of
35 total plastic multiplied by the percent of postconsumer recycled
36 plastic used; multiplied by 20 cents.

37 (ii) Example: [(Total pounds of plastic used x minimum
38 postconsumer recycled plastic target percentage) - (Total pounds of

1 plastic used x postconsumer recycled plastic percentage used)] x 20
2 cents.

3 (b) For the purposes of (a) of this subsection, both of the
4 following apply:

5 (i) The total pounds of plastic used must equal the sum of the
6 amount of virgin plastic, postconsumer recycled content plastic, and
7 any other plastic used by the producer, as reported pursuant to
8 section 4 of this act.

9 (ii) If the product calculated pursuant to (a) of this subsection
10 is equal to or less than zero, the department may not assess a
11 penalty.

12 (3) (a) (i) The department shall consider granting a reduction of
13 penalties assessed pursuant to this section for the purpose of
14 meeting the minimum postconsumer recycled content requirements
15 required pursuant to section 3 of this act.

16 (ii) In determining whether to grant the reduction pursuant to
17 (a) (i) of this subsection, the department shall consider, at a
18 minimum, all of the following factors:

19 (A) Anomalous market conditions;

20 (B) Disruption in, or lack of supply of, recycled plastics; and

21 (C) Other factors that have prevented a producer from meeting the
22 requirements.

23 (b) In lieu of or in addition to assessing a penalty under this
24 section, the department may require a producer to submit a corrective
25 action plan detailing how the producer plans to come into compliance
26 with section 3 of this act.

27 (4) For the purposes of determining compliance with the
28 postconsumer recycled content requirements of this chapter, the
29 department may consider the date of manufacture of a covered product
30 or the container of a covered product.

31 (5) A producer shall pay the penalty assessed pursuant to this
32 section, as applicable, based on the information reported to the
33 department as required under section 4 of this act in the form and
34 manner prescribed by the department.

35 (6) A producer may appeal the penalty assessed under this section
36 to the pollution control hearings board within 30 days of assessment.

37 (7) Penalties collected under this section must be deposited in
38 the recycling enhancement account created in section 13 of this act.

1 NEW SECTION. **Sec. 6.** PENALTIES FOR REGISTRATION, LABELING, AND
2 REPORTING. (1) For producers out of compliance with the registration,
3 reporting, or labeling requirements of section 3, 4, or 7 of this
4 act, the department shall provide written notification and offer
5 information to producers. For the purposes of this section, written
6 notification serves as notice of the violation. The department must
7 issue at least two notices of violation by certified mail prior to
8 assessing a penalty under subsection (2) of this section.

9 (2) A producer in violation of the registration, reporting, or
10 labeling requirements in section 3, 4, or 7 of this act is subject to
11 a civil penalty for each day of violation in an amount not to exceed
12 \$1,000.

13 (3) Penalties collected under this section must be deposited in
14 the recycling enhancement account created in section 13 of this act.

15 (4) Penalties issued under this section are appealable to the
16 pollution control hearings board established in chapter 43.21B RCW.

17 NEW SECTION. **Sec. 7.** TRASH BAG LABELING REQUIREMENTS. (1)
18 Beginning January 1, 2023, producers shall label each package
19 containing plastic trash bags sold, offered for sale, or distributed
20 in or into Washington with:

21 (a) The name of the producer and the city, state, and country
22 where the producer is located, which may be designated as the
23 location of the producer's corporate headquarters; or

24 (b) A uniform resource locator or quick response code to an
25 internet website that contains the information required pursuant to
26 (a) of this subsection.

27 (2)(a) The provisions of subsection (1) of this section do not
28 apply to a plastic bag that is designed and manufactured to hold,
29 store, or transport dangerous waste or biomedical waste.

30 (b) For the purposes of this subsection:

31 (i) "Biomedical waste" means any waste defined as that term under
32 RCW 70A.228.010; and

33 (ii) "Dangerous waste" means any waste defined as dangerous
34 wastes under RCW 70A.300.010.

35 NEW SECTION. **Sec. 8.** A new section is added to chapter 39.26
36 RCW to read as follows:

37 POSTCONSUMER RECYCLED CONTENT IN PLASTIC TRASH BAGS—PURCHASING
38 PRIORITY. (1) Beginning July 1, 2024, all state agencies may only

1 purchase plastic trash bags manufactured by producers that comply
2 with the minimum recycled content requirements established in section
3 3 of this act.

4 (2) By July 1, 2024, the department of ecology shall provide to
5 the department a list of the plastic trash bag producer brands that
6 comply with the minimum recycled content requirements established in
7 section 3 of this act, in order for state agencies to purchase
8 compliant products, updated annually.

9 NEW SECTION. **Sec. 9.** (1)(a) By July 1, 2021, the departments of
10 commerce and ecology shall jointly select an impartial, third-party
11 facilitator to convene a stakeholder advisory committee housed within
12 the recycling development center. The advisory committee shall make
13 recommendations to the appropriate committees of the legislature on
14 the development of mandatory postconsumer recycled content
15 requirements for types of plastic packaging not subject to the
16 minimum postconsumer recycled content requirements established in
17 this act, and that are present in the municipal solid waste material
18 stream or are regularly received by facilities that process
19 recyclable materials from residential curbside recycling programs.
20 The recommendations may include rates of mandatory postconsumer
21 recycled content required by material type, target implementation
22 dates, and potential exemptions or alternate compliance pathways for
23 some materials.

24 (b) The facilitator must:

25 (i) Work with the recycling development center to subcontract for
26 any relevant information regarding recycled plastic market conditions
27 and barriers to the use of recycled content to provide to the
28 stakeholder advisory committee to aid in the development of
29 recommendations, to the extent practicable;

30 (ii) Provide staff and support to the stakeholder advisory
31 committee meetings; and

32 (iii) Draft reports and other materials for review by the
33 stakeholder advisory committee.

34 (2) The facilitator identified in subsection (1) of this section
35 must be selected based on the following criteria:

36 (a) Impartiality regarding policy outcomes;

37 (b) Professional qualifications, relevant experience, and
38 degrees; and

1 (c) The facilitator must be an environmental conflict resolution
2 specialist recognized by a national center for environmental conflict
3 resolution.

4 (3) By December 1, 2021, the facilitator shall submit a report to
5 the legislature containing the recommendations of the stakeholder
6 advisory committee after review and approval by the facilitator and
7 committee. The stakeholder advisory committee shall make
8 recommendations using consensus-based decision making. The report
9 must include recommendations where general stakeholder consensus has
10 been achieved and note dissenting opinions where stakeholder
11 consensus has not been achieved.

12 (4) The stakeholder advisory committee shall consider information
13 and findings by a variety of authoritative bodies related to recycled
14 content, including mechanical and advanced recycling technologies.

15 (5) The facilitator shall select at least one member to the
16 stakeholder advisory committee from each of the following:

17 (a) The department of commerce;

18 (b) The department of ecology;

19 (c) The utilities and transportation commission;

20 (d) Cities, including both small and large cities and cities
21 located in urban and rural counties;

22 (e) Counties, including both small and large counties and urban
23 and rural counties;

24 (f) Municipal collectors;

25 (g) A representative from the private sector waste and recycling
26 industry that owns or operates a curbside recycling program and a
27 material recovery facility;

28 (h) A solid waste collection company regulated under chapter
29 81.77 RCW that provides curbside recycling services;

30 (i) A material recovery facility operator that processes
31 municipal solid waste from curbside recycling programs;

32 (j) A company that provides curbside recycling service pursuant
33 to a municipal contract under RCW 81.77.020;

34 (k) A trade association that represents the private sector solid
35 waste industry;

36 (l) Recycled plastic feedstock users;

37 (m) A trade association representing the plastics recycling
38 industry;

39 (n) A recycled content certification organization;

40 (o) An environmental justice organization;

- 1 (p) An environmental nonprofit organization;
- 2 (q) An environmental nonprofit organization that specializes in
3 waste and recycling issues;
- 4 (r) Plastic converters/manufacturers of resins;
- 5 (s) A manufacturer of plastic packaging;
- 6 (t) A statewide general business trade association;
- 7 (u) Associations that represent consumer brand companies;
- 8 (v) Representatives of consumer brands;
- 9 (w) A consumer-oriented organization;
- 10 (x) Representatives of the state's most marginalized communities;
- 11 (y) A retailer or representative of the retail association;
- 12 (z) A representative of an advanced recycling technology provider
13 that processes plastic material;
- 14 (aa) An association that represents cities;
- 15 (bb) An association that represents county solid waste managers;
- 16 (cc) A representative from a retail grocery association;
- 17 (dd) A representative from a Washington headquartered online
18 retailer;
- 19 (ee) A representative from a national consumer electronics
20 association; and
- 21 (ff) A representative from the personal care products industry.
- 22 (6) The definitions in section 2 of this act apply throughout
23 this section unless the context clearly requires otherwise.
- 24 (7) This section expires January 1, 2022.

25 NEW SECTION. **Sec. 10.** EXPANDED POLYSTYRENE PROHIBITIONS. (1) (a)
26 Beginning June 1, 2024, the sale and distribution of the following
27 expanded polystyrene products in or into Washington state is
28 prohibited:

29 (i) A portable container that is designed or intended to be used
30 for cold storage, except for expanded polystyrene containers used for
31 drugs, medical devices, and biological materials as defined in the
32 federal food, drug, and cosmetic act (21 U.S.C. Sec. 301 et seq.) or
33 shipping perishable commodities from a wholesale or retail
34 establishment; and

35 (ii) Food service products that include food containers, plates,
36 clam shell-style containers, and hot and cold beverage cups. For the
37 purposes of this subsection (1) (a) (ii), food service products do not
38 include: Packaging for raw, uncooked, or butchered meat, fish,
39 poultry, or seafood, vegetables, fruit, or egg cartons.

1 (b) Beginning June 1, 2023, the sale and distribution of expanded
2 polystyrene void filling packaging products, which means loose fill
3 packaging material, also referred to as packing peanuts, in or into
4 Washington state is prohibited.

5 (2)(a) The department must provide technical assistance and
6 guidance to manufacturers of prohibited expanded polystyrene
7 products, upon request. For manufacturers out of compliance with the
8 requirements of this section, the department shall provide written
9 notification and offer information to manufacturers that sell
10 prohibited expanded polystyrene products who are in violation of this
11 section. For the purposes of this section, written notification
12 serves as notice of the violation. The department must issue at least
13 two notices of violation by certified mail prior to assessing a
14 penalty.

15 (b) A manufacturer of products in violation of this section is
16 subject to a civil penalty for each violation in an amount not to
17 exceed:

18 (i) \$250 if it is the manufacturer's first penalty; and

19 (ii) \$1,000 if the manufacturer has previously been issued a
20 civil penalty under this section.

21 (c) Penalties collected under this section must be deposited in
22 the model toxics control operating account created in RCW
23 70A.305.180.

24 (d) Penalties issued under this section are appealable to the
25 pollution control hearings board established in chapter 43.21B RCW.

26 (3) A city, town, county, or municipal corporation may not
27 implement a local ordinance restricting products prohibited under
28 subsection (1) of this section unless the ordinance was filed by
29 April 1, 2021, and enacted by June 1, 2021. An ordinance restricting
30 products prohibited under subsection (1) of this section that was not
31 enacted as of June 1, 2021, is preempted by this section.

32 (4) For the purposes of this section, "manufacturer" includes any
33 person, firm, association, partnership, corporation, governmental
34 entity, organization, or joint venture that:

35 (a) Produces the products subject to restrictions in subsection
36 (1) of this section; or

37 (b) Is an importer or domestic distributor of a product subject
38 to restrictions in subsection (1) of this section sold or offered for
39 sale in or into the state.

1 NEW SECTION. **Sec. 11.** OPTIONAL SERVICEWARE. (1) Beginning
2 January 1, 2022:

3 (a) Except as provided in (b) of this subsection, a food service
4 business may provide the following single use food service products
5 only after affirming that the customer wants the item or items:

- 6 (i) Utensils;
- 7 (ii) Straws;
- 8 (iii) Condiment packaging; and
- 9 (iv) Beverage cup lids.

10 (b) A food service business may provide beverage cup lids without
11 customer affirmation for:

- 12 (i) Hot beverages;
- 13 (ii) Beverages provided through delivery service or curbside
14 pickup; and
- 15 (iii) Beverages served to customers via a drive through or at
16 large, permanent, venues that are designed for professional sport or
17 music events and that have a fixed-seat capacity of at least 2,500
18 customers and are enclosed or are surrounded by a perimeter fence.

19 (c) The requirements of this section do not apply to food service
20 products provided to a patient, resident, or customer in:

- 21 (i) A health care facility or a health care provider as defined
22 in RCW 70.02.010;
- 23 (ii) Long-term care facilities identified in RCW 18.51.010,
24 18.20.020, 70.128.010, 70.97.010, or 18.390.010;
- 25 (iii) Senior nutrition programs authorized under 45 C.F.R. Sec.
26 1321, and home delivered meals offered under chapters 74.39 and
27 74.39A RCW;
- 28 (iv) Services to individuals with developmental disabilities
29 under Title 71A RCW and chapter 74.39A RCW; and
- 30 (v) State hospitals as defined in RCW 72.23.010.

31 (d) The requirements of this subsection (1) apply to the
32 activities of the department of corrections and the department of
33 children, youth, and families only to the extent operationally
34 feasible and practicable.

35 (2)(a) Nothing in this section prohibits a food service business
36 from making utensils, straws, condiments, and beverage cup lids
37 available to customers using cylinders, bins, dispensers, containers,
38 or other means of allowing for single-use utensils, straws,
39 condiments, and beverage cup lids to be obtained at the affirmative
40 volition of the customer.

1 (b) Utensils provided by a food service business for use by
2 customers may not be bundled or packaged in plastic in such a way
3 that a customer is unable to take only the type of single-use utensil
4 or utensils desired without also taking a different type or types of
5 utensil.

6 (3) (a) The department may issue a civil penalty of no less than
7 \$150 per day and no more than \$2,000 per day to the owner or operator
8 of a food service business for each day single-use food service
9 products are provided in violation of this section.

10 (b) The department must issue at least two notices of violation
11 by certified mail prior to assessing a penalty.

12 (c) Penalties collected under this section must be deposited in
13 the model toxics control operating account created in RCW
14 70A.305.180.

15 (d) A food service business may appeal penalties assessed under
16 this subsection to the pollution control hearings board within 30
17 days of assessment.

18 (4) All food service businesses are encouraged, but not required,
19 to take actions in addition to the requirements of this section that
20 support a goal of reducing the use of and waste generated by single-
21 use food service products.

22 (5) Beginning July 1, 2021, a city, town, county, or municipal
23 corporation may not enact an ordinance to reduce pollution from
24 single-use food service products by requiring affirmation that a
25 customer wants single-use food service products from the customer of
26 the food service business or other retail establishment.

27 NEW SECTION. **Sec. 12.** DEPARTMENT DUTIES. (1) The department may
28 conduct audits and investigations for the purpose of ensuring
29 compliance with sections 3 and 5 of this act based on the information
30 reported under section 4 of this act.

31 (2) The department shall annually publish a list of registered
32 producers of covered products and associated brand names, their
33 compliance status, and other information the department deems
34 appropriate on the department's website.

35 (3) To assist regulated parties with the requirements specified
36 under sections 10 and 11 of this act, the department:

37 (a) Must prepare and post on its website information regarding
38 the prohibitions on the sale and distribution of expanded polystyrene
39 products as specified under section 10 of this act and restrictions

1 on the provision of optional serviceware under section 11 of this
2 act;

3 (b) For education and outreach to help implement sections 10 and
4 11 of this act, may develop culturally appropriate and translated
5 educational materials and resources for the state's diverse ethnic
6 populations from existing materials used by local jurisdictions and
7 other states.

8 (4) The department may adopt rules as necessary to administer,
9 implement, and enforce this chapter.

10 NEW SECTION. **Sec. 13.** RECYCLING ENHANCEMENT ACCOUNT. The
11 recycling enhancement account is created in the custody of the state
12 treasurer. All penalties collected by the department pursuant to
13 sections 5 and 6 of this act must be deposited in the account. Only
14 the director of the department or the director's designee may
15 authorize expenditures from the account. The account is subject to
16 the allotment procedures under chapter 43.88 RCW, but an
17 appropriation is not required for expenditures. Expenditures from the
18 account may be used by the department only for providing grants to
19 local governments for the purpose of supporting local solid waste and
20 financial assistance programs.

21 NEW SECTION. **Sec. 14.** RECYCLED CONTENT ACCOUNT. The recycled
22 content account is created in the custody of the state treasurer. All
23 receipts received by the department under section 3 of this act must
24 be deposited in the account. Only the director of the department or
25 the director's designee may authorize expenditures from the account.
26 The account is subject to the allotment procedures under chapter
27 43.88 RCW, but an appropriation is not required for expenditures.
28 Expenditures from the account may be used by the department only for
29 implementing, administering, and enforcing the requirements of
30 sections 3 through 7 and 12(1), (2), and (4) of this act.

31 NEW SECTION. **Sec. 15.** MARKET STUDY. (1) Subject to the
32 availability of amounts appropriated for this specific purpose prior
33 to January 1, 2028, the department shall contract with a research
34 university or an independent third-party consultant to study the
35 plastic resin markets for all of the following:

36 (a) Analyzing market conditions and opportunities in the state's
37 recycling industry for meeting the minimum postconsumer recycled

1 content requirements for covered products pursuant to sections 3 and
2 4 of this act; and

3 (b) Determining the data needs and tracking opportunities to
4 increase the transparency and support of a more effective, fact-based
5 public understanding of the recycling industry.

6 (2) If funding is provided pursuant to subsection (1) of this
7 section and the department undertakes the study, the study must be
8 completed by May 1, 2029.

9 (3) This section expires July 1, 2029.

10 **Sec. 16.** RCW 43.21B.110 and 2020 c 138 s 11 and 2020 c 20 s 1035
11 are each reenacted and amended to read as follows:

12 (1) The hearings board shall only have jurisdiction to hear and
13 decide appeals from the following decisions of the department, the
14 director, local conservation districts, the air pollution control
15 boards or authorities as established pursuant to chapter 70A.15 RCW,
16 local health departments, the department of natural resources, the
17 department of fish and wildlife, the parks and recreation commission,
18 and authorized public entities described in chapter 79.100 RCW:

19 (a) Civil penalties imposed pursuant to RCW 18.104.155,
20 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070,
21 70A.515.060, sections 5, 6, 10, and 11 of this act, 76.09.170,
22 77.55.440, 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144,
23 90.56.310, 90.56.330, and 90.64.102.

24 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
25 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070,
26 section 3 of this act, 86.16.020, 88.46.070, 90.14.130, 90.46.250,
27 90.48.120, and 90.56.330.

28 (c) Except as provided in RCW 90.03.210(2), the issuance,
29 modification, or termination of any permit, certificate, or license
30 by the department or any air authority in the exercise of its
31 jurisdiction, including the issuance or termination of a waste
32 disposal permit, the denial of an application for a waste disposal
33 permit, the modification of the conditions or the terms of a waste
34 disposal permit, or a decision to approve or deny an application for
35 a solid waste permit exemption under RCW 70A.205.260.

36 (d) Decisions of local health departments regarding the grant or
37 denial of solid waste permits pursuant to chapter 70A.205 RCW.

1 (e) Decisions of local health departments regarding the issuance
2 and enforcement of permits to use or dispose of biosolids under RCW
3 70A.226.090.

4 (f) Decisions of the department regarding waste-derived
5 fertilizer or micronutrient fertilizer under RCW 15.54.820, and
6 decisions of the department regarding waste-derived soil amendments
7 under RCW 70A.205.145.

8 (g) Decisions of local conservation districts related to the
9 denial of approval or denial of certification of a dairy nutrient
10 management plan; conditions contained in a plan; application of any
11 dairy nutrient management practices, standards, methods, and
12 technologies to a particular dairy farm; and failure to adhere to the
13 plan review and approval timelines in RCW 90.64.026.

14 (h) Any other decision by the department or an air authority
15 which pursuant to law must be decided as an adjudicative proceeding
16 under chapter 34.05 RCW.

17 (i) Decisions of the department of natural resources, the
18 department of fish and wildlife, and the department that are
19 reviewable under chapter 76.09 RCW, and the department of natural
20 resources' appeals of county, city, or town objections under RCW
21 76.09.050(7).

22 (j) Forest health hazard orders issued by the commissioner of
23 public lands under RCW 76.06.180.

24 (k) Decisions of the department of fish and wildlife to issue,
25 deny, condition, or modify a hydraulic project approval permit under
26 chapter 77.55 RCW, to issue a stop work order, to issue a notice to
27 comply, to issue a civil penalty, or to issue a notice of intent to
28 disapprove applications.

29 (l) Decisions of the department of natural resources that are
30 reviewable under RCW 78.44.270.

31 (m) Decisions of an authorized public entity under RCW 79.100.010
32 to take temporary possession or custody of a vessel or to contest the
33 amount of reimbursement owed that are reviewable by the hearings
34 board under RCW 79.100.120.

35 (n) Decisions of the department of ecology that are appealable
36 under section 3 of this act to set recycled minimum postconsumer
37 content for covered products or to temporarily exclude types of
38 covered products in plastic containers from minimum postconsumer
39 recycled content requirements.

1 (2) The following hearings shall not be conducted by the hearings
2 board:

3 (a) Hearings required by law to be conducted by the shorelines
4 hearings board pursuant to chapter 90.58 RCW.

5 (b) Hearings conducted by the department pursuant to RCW
6 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100,
7 70A.15.3110, and 90.44.180.

8 (c) Appeals of decisions by the department under RCW 90.03.110
9 and 90.44.220.

10 (d) Hearings conducted by the department to adopt, modify, or
11 repeal rules.

12 (3) Review of rules and regulations adopted by the hearings board
13 shall be subject to review in accordance with the provisions of the
14 administrative procedure act, chapter 34.05 RCW.

15 **Sec. 17.** RCW 43.21B.300 and 2020 c 20 s 1038 are each amended to
16 read as follows:

17 (1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160,
18 70A.205.280, 70A.300.090, 70A.20.050, sections 5, 6, 10, and 11 of
19 this act, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310,
20 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by
21 a notice in writing, either by certified mail with return receipt
22 requested or by personal service, to the person incurring the penalty
23 from the department or the local air authority, describing the
24 violation with reasonable particularity. For penalties issued by
25 local air authorities, within thirty days after the notice is
26 received, the person incurring the penalty may apply in writing to
27 the authority for the remission or mitigation of the penalty. Upon
28 receipt of the application, the authority may remit or mitigate the
29 penalty upon whatever terms the authority in its discretion deems
30 proper. The authority may ascertain the facts regarding all such
31 applications in such reasonable manner and under such rules as it may
32 deem proper and shall remit or mitigate the penalty only upon a
33 demonstration of extraordinary circumstances such as the presence of
34 information or factors not considered in setting the original
35 penalty.

36 (2) Any penalty imposed under this section may be appealed to the
37 pollution control hearings board in accordance with this chapter if
38 the appeal is filed with the hearings board and served on the
39 department or authority thirty days after the date of receipt by the

1 person penalized of the notice imposing the penalty or thirty days
2 after the date of receipt of the notice of disposition by a local air
3 authority of the application for relief from penalty.

4 (3) A penalty shall become due and payable on the later of:

5 (a) Thirty days after receipt of the notice imposing the penalty;

6 (b) Thirty days after receipt of the notice of disposition by a
7 local air authority on application for relief from penalty, if such
8 an application is made; or

9 (c) Thirty days after receipt of the notice of decision of the
10 hearings board if the penalty is appealed.

11 (4) If the amount of any penalty is not paid to the department
12 within thirty days after it becomes due and payable, the attorney
13 general, upon request of the department, shall bring an action in the
14 name of the state of Washington in the superior court of Thurston
15 county, or of any county in which the violator does business, to
16 recover the penalty. If the amount of the penalty is not paid to the
17 authority within thirty days after it becomes due and payable, the
18 authority may bring an action to recover the penalty in the superior
19 court of the county of the authority's main office or of any county
20 in which the violator does business. In these actions, the procedures
21 and rules of evidence shall be the same as in an ordinary civil
22 action.

23 (5) All penalties recovered shall be paid into the state treasury
24 and credited to the general fund except those penalties imposed
25 pursuant to RCW 18.104.155, which shall be credited to the
26 reclamation account as provided in RCW 18.104.155(7), RCW
27 70A.15.3160, the disposition of which shall be governed by that
28 provision, sections 5 and 6 of this act, which shall be credited to
29 the recycling enhancement account created in section 13 of this act,
30 RCW 70A.300.090, which shall be credited to the model toxics control
31 operating account created in RCW 70A.305.180, RCW 90.56.330, which
32 shall be credited to the coastal protection fund created by RCW
33 90.48.390, and RCW 70A.355.070, which shall be credited to the
34 underground storage tank account created by RCW 70A.355.090.

35 **Sec. 18.** RCW 70A.220.020 and 2020 c 20 s 1228 are each amended
36 to read as follows:

37 ~~((1) The provisions of this section and any rules adopted under~~
38 ~~this section shall be interpreted to conform with nationwide plastics~~
39 ~~industry standards.~~

1 ~~(2))~~ Except as provided in RCW 70A.220.030(2), after January 1,
2 1992, no person may distribute, sell, or offer for sale in this state
3 a plastic bottle or rigid plastic container unless the container is
4 labeled with a code identifying the appropriate resin type used to
5 produce the structure of the container. ~~((The code shall consist of a
6 number placed within three triangulated arrows and letters placed
7 below the triangle of arrows. The triangulated arrows shall be
8 equilateral, formed by three arrows with the apex of each point of
9 the triangle at the midpoint of each arrow, rounded with a short
10 radius. The pointer (arrowhead) of each arrow shall be at the
11 midpoint of each side of the triangle with a short gap separating the
12 pointer from the base of the adjacent arrow. The triangle, formed by
13 the three arrows curved at their midpoints shall depict a clockwise
14 path around the code number.))~~ The numbers and letters used shall be
15 as follows:

- 16 (a) 1.= PETE (polyethylene terephthalate)
- 17 (b) 2.= HDPE (high density polyethylene)
- 18 (c) 3.= V (vinyl) or PVC (polyvinyl chloride)
- 19 (d) 4.= LDPE (low density polyethylene)
- 20 (e) 5.= PP (polypropylene)
- 21 (f) 6.= PS (polystyrene)
- 22 (g) 7.= OTHER

23 NEW SECTION. **Sec. 19.** Sections 2 through 7 and 9 through 15 of
24 this act constitute a new chapter in Title 70A RCW.

25 NEW SECTION. **Sec. 20.** If any provision of this act or its
26 application to any person or circumstance is held invalid, the
27 remainder of the act or the application of the provision to other
28 persons or circumstances is not affected."

29 Correct the title.

--- END ---