

E2SSB 5022 - H AMD TO APP COMM AMD (H-1491.1/21) **638**

By Representative Fitzgibbon

ADOPTED 04/07/2021

1 On page 6, line 37, after "April 1," strike "2027" and insert
2 "2029"

3 On page 10, line 4, after "subsection" insert "or to temporarily
4 exclude covered products from minimum postconsumer recycled content
5 requirements under subsection (8) of this section"

6 On page 10, line 6, after "(8)" insert "The department must
7 temporarily exclude from minimum postconsumer recycled content
8 requirements for the upcoming year any types of covered products in
9 plastic containers for which a producer annually demonstrates to the
10 department by December 31st of a given year that the achievement of
11 postconsumer recycled content requirements in the container material
12 is not technically feasible in order to comply with health or safety
13 requirements of federal law, including the federal laws specified in
14 subsection (7)(b)(v) of this section. A producer must continue to
15 register and report consistent with the requirements of this chapter
16 for covered products temporarily excluded from minimum postconsumer
17 recycled content requirements under this subsection.

18 (9) "

19 Renumber the remaining subsections consecutively and correct any
20 internal references accordingly.

21 On page 13, line 7, after "(4)" insert "For the purposes of
22 determining compliance with the postconsumer recycled content
23 requirements of this chapter, the department may consider the date of
24 manufacture of a covered product or the container of a covered
25 product.

26 (5) "

27 Renumber the remaining subsections consecutively and correct any
28 internal references accordingly.

29 On page 16, line 32, after "association;" strike "and"

1 On page 16, line 34, after "retailer" insert "
2 (ee) A representative from a national consumer electronics
3 association; and
4 (ff) A representative from the personal care products industry"

5 On page 17, line 14, after "of" insert "expanded polystyrene"

6 On page 20, line 13, after "and" insert "restrictions on the
7 provision of"

8 On page 21, after line 19, insert the following:
9 "(3) This section expires July 1, 2029."

10 On page 23, line 7, after "covered products" insert "or to
11 temporarily exclude types of covered products in plastic containers
12 from minimum postconsumer recycled content requirements"

13 On page 24, line 35, after "provision," insert "sections 5 and 6
14 of this act, which shall be credited to the recycling enhancement
15 account created in section 13 of this act,"

EFFECT: Requires the Department of Ecology to temporarily exclude from minimum postconsumer recycled content requirements any types of plastic containers for which a producer annually demonstrates it is not technically feasible to meet minimum postconsumer recycled content requirements as a result of health or safety requirements in federal law. Authorizes the Department of Ecology to consider the manufacture date of a covered product or covered product container for compliance purposes. Clarifies that restrictions on void-filling packaging products apply only to expanded polystyrene void-filling packaging products. Adds consumer electronics and personal care products representatives to the stakeholder advisory committee. Makes technical corrections.

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