

ESHB 1033 - S COMM AMD

By Committee on Environment, Energy & Technology

ADOPTED 04/12/2023

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

3 "NEW SECTION. **Sec. 1.** A new section is added to chapter 70A.205
4 RCW to read as follows:

5 (1)(a) Legislation enacted in 2022, chapter 180, Laws of 2022,
6 contains numerous provisions intended to decrease the generation of
7 methane gas in landfills from organic materials, by increasing the
8 diversion of organic materials to compost and other organic materials
9 management facilities. The legislature finds that there is urgency in
10 the state's efforts to ensure that compost streams are limited to
11 compostable organic materials and are not hindered by unsuitable
12 contaminants. At present, organic materials management facilities in
13 Washington vary in the types of feedstocks that are accepted.

14 (b) The department must contract with an independent third-party
15 facilitator to convene a stakeholder advisory committee. The advisory
16 committee shall make recommendations to the appropriate committees of
17 the legislature on the development of standards for the management of
18 compostable products, especially food service products, by composting
19 and other organic materials management facilities.

20 (2) In developing recommendations, the stakeholder advisory
21 committee must, at a minimum, consider:

22 (a) The state's goals of managing organic materials, including
23 food waste, in an environmentally sustainable way that increases food
24 waste diversion and ensures that finished compost is clean and
25 marketable, with the intent of being consistent with and furthering
26 the improvements identified in chapter 180, Laws of 2022;

27 (b) The types of compostable products, and amounts if known, sold
28 or distributed into Washington;

29 (c) Consumer confusion caused by noncompostable products that can
30 lead to contamination issues;

31 (d) Compostable standards related to the breakdown of products in
32 facilities and home composting;

1 (e) The status of acceptance of compostable products by organic
2 materials management facilities in Washington, including
3 consideration of organic certifications;

4 (f) Estimates of the percentage of compostable products used in
5 Washington that are disposed of at organic materials management
6 facilities;

7 (g) Financial incentives for organic materials management
8 facilities accepting compostable products;

9 (h) Current laws related to compostable products and the
10 enforcement of these laws;

11 (i) Any work product from other contemporaneous stakeholder
12 advisory committees currently discussing similar topics in other
13 jurisdictions or nationwide; and

14 (j) Policy options addressing contamination of organic waste
15 streams and to increase the use of reusable and refillable items.

16 (3) The facilitator selected in subsection (1) of this section
17 must:

18 (a) Hire subcontractors, as needed, for the research of any
19 relevant information regarding issues associated with compostable
20 products and the management of compostable materials in composting
21 and other organic materials management facilities;

22 (b) Provide staff and support to the stakeholder advisory
23 committee meetings; and

24 (c) Draft reports and other materials for review by the
25 stakeholder advisory committee.

26 (4) The facilitator shall submit a report to the legislature by
27 September 15, 2024, containing the recommendations of the stakeholder
28 advisory committee after review and approval by the facilitator and
29 committee. The department and its hired facilitator must convene the
30 first stakeholder meeting by September 15, 2023, and must convene
31 meetings at least monthly thereafter through January, on a schedule
32 developed in consultation with the stakeholders serving on the
33 advisory committee. All meetings of the stakeholder advisory
34 committee must be held in a virtual format. The stakeholder advisory
35 committee shall make recommendations using consensus-based decision
36 making. The report must include recommendations where general
37 stakeholder consensus has been achieved and note dissenting opinions
38 where stakeholder consensus has not been achieved.

39 (5) The department must select at least one member to the
40 stakeholder advisory committee from each of the following:

- 1 (a) Cities, including both small and large cities and cities
2 located in urban and rural counties, which may be represented by an
3 association that represents cities in Washington;
- 4 (b) Counties, including both small and large counties and urban
5 and rural counties, which may be represented by an association that
6 represents county solid waste managers in Washington;
- 7 (c) Municipal collectors or companies that provide curbside
8 organic materials management services under a municipal contract
9 under RCW 35.21.120;
- 10 (d) A solid waste collection company regulated under chapter
11 81.77 RCW that provides curbside organic materials collection
12 services;
- 13 (e) Three organic materials management facility operators,
14 including at least one operator of a facility that does not currently
15 accept compostable food service products and one operator of a
16 facility that does currently accept such products;
- 17 (f) A representative from an environmental nonprofit organization
18 that specializes in waste and recycling issues;
- 19 (g) Two manufacturers of compostable products, including at least
20 one manufacturer of compostable food service products and one
21 manufacturer of compostable plastic food service products;
- 22 (h) One distributor of compostable food service products;
- 23 (i) A statewide general business trade association;
- 24 (j) A representative from a retail grocery association;
- 25 (k) Two organizations that act as third-party certifiers of
26 compostable products;
- 27 (l) The department of agriculture;
- 28 (m) Two associations focused on organic materials recycling or
29 composting; and
- 30 (n) A statewide organization representing hospitality businesses.
- 31 (6) In addition to the members selected under subsection (5) of
32 this section, the director must invite participation on the
33 stakeholder advisory committee from any federally recognized Indian
34 tribe that expresses interest in participation to the department
35 prior to September 1, 2023.
- 36 (7) This section expires July 1, 2028."

ESHB 1033 - S COMM AMD

By Committee on Environment, Energy & Technology

ADOPTED 04/12/2023

1 On page 1, line 2 of the title, after "Washington;" strike the
2 remainder of the title and insert "adding a new section to chapter
3 70A.205 RCW; and providing an expiration date."

EFFECT: Requires the department of ecology to select at least one member to the stakeholder advisory committee from a UTC-regulated solid waste collection company that provides curbside organic materials collection services.

--- END ---