

# FINAL BILL REPORT

## ESHB 2207

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Synopsis as Enacted

**Brief Description:** Providing tools designed to reduce the impacts of unlawful solid waste dumping.

**Sponsors:** House Committee on Environment & Energy (originally sponsored by Representatives Ramos, Low, Chapman, Couture and Reed).

**House Committee on Environment & Energy**  
**House Committee on Appropriations**  
**Senate Committee on Environment, Energy & Technology**  
**Senate Committee on Ways & Means**

### **Background:**

#### Unlawful Waste Dumping (Littering).

It is unlawful to abandon a junk vehicle or to dispose of litter on any public property, public waters, or the private property of any other person.

Penalties for the unlawful dumping of waste (littering) are assessed on a sliding scale depending on the amount of waste:

- It is a class 1 civil infraction to litter any potentially dangerous material in any amount; the maximum penalty and the default amount of a class 1 civil infraction involving potentially dangerous litter is \$500.
- It is a class 3 civil infraction to litter in an amount less than or equal to 1 cubic foot; the maximum penalty and the default amount of a class 3 civil infraction, not including statutory assessments, is \$50.
- It is a misdemeanor to litter in an amount greater than 1 cubic foot but less than 1 cubic yard; a misdemeanor fine may not exceed \$1,000 for individuals or \$50,000 for entities.
- It is a gross misdemeanor to litter in an amount equal to or greater than 1 cubic yard; a gross misdemeanor fine may not exceed \$5,000 for individuals or \$250,000 for

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

entities.

A person found guilty of misdemeanor littering must pay a litter cleanup restitution payment equal to twice the actual cost of cleanup or \$50 per cubic foot of litter, whichever is greater. A person found guilty of gross misdemeanor littering must pay a litter cleanup restitution payment equal to twice the actual cost of cleanup or \$100 per cubic foot of litter, whichever is greater.

The court distributes one-half of a restitution payment by a person found guilty of littering to the landowner of the property where the waste was littered and one-half of the restitution payment to the law enforcement agency investigating the incident.

### Natural Resource Infractions.

Certain offenses involving forests and forest products, fish and wildlife, public lands, and public recreational lands, are classified as natural resource infractions. A natural resource infraction is not a criminal offense. A person found to have committed a natural resource infraction must be assessed a monetary penalty of at least \$10, but of less than \$500 unless specifically authorized by statute.

### **Summary:**

It is a misdemeanor to litter in an amount greater than 1 cubic foot and less than 10 cubic yards. A misdemeanor violation for littering may alternatively be punished with a notice of a natural resource infraction. Penalties for these littering natural resource infractions are:

- up to \$250 for littering between 1 cubic foot and 1 cubic yard of material;
- up to \$750 for littering more than 1 and less than 7 cubic yards of material; and
- up to \$1,000 for littering between 7 and 10 cubic yards of material.

It is a gross misdemeanor to litter more than 10 cubic yards of material.

A person found liable for or guilty of a littering natural resource infraction, misdemeanor, or gross misdemeanor must pay a litter cleanup restitution payment. The litter cleanup restitution payment is assessed at four times the actual cost of cleanup for natural resource infractions and misdemeanors and two times the actual cost of cleanup for gross misdemeanors. The court distributes to the landowner where the littering incident occurred an amount of the litter cleanup restitution payment that equals the actual cost of cleanup.

The court distributes the remainder of the litter cleanup restitution payment to the law enforcement agency investigating the incident.

State patrol officers, fish and wildlife officers, fire wardens, deputy fire wardens, forest rangers, sheriffs and marshals and their deputies, police officers, and those employees of the Department of Ecology and the Parks and Recreation Commission vested with police powers may initiate enforcement for littering natural resource infractions. Such persons

may initiate enforcement with or without an interlocal agreement.

**Votes on Final Passage:**

House	97	0	
Senate	49	0	(Senate amended)
House	93	0	(House concurred)

**Effective:** June 6, 2024