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**HOUSE BILL 1164**

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**State of Washington**

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**2023 Regular Session**

**By** Representatives Doglio, Fitzgibbon, Reed, Berry, Ramel, Macri, Lekanoff, Duerr, Pollet, and Kloba

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1 AN ACT Relating to providing for the responsible management of  
2 appliances containing harmful gases and other materials; amending RCW  
3 43.21B.110, 43.21B.300, and 70A.65.260; adding a new section to  
4 chapter 82.04 RCW; adding a new chapter to Title 70A RCW; and  
5 prescribing penalties.

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

7 NEW SECTION. **Sec. 1.** LEGISLATIVE INTENT. (1) The legislature  
8 finds that Washington has taken numerous steps to reduce emissions of  
9 ozone-depleting refrigerants and greenhouse gas refrigerants,  
10 including by establishing maximum global warming potentials of new  
11 appliances introduced into commerce, and initiating a refrigerant  
12 management program to address leaks from equipment in operation.  
13 State law also prohibits the intentional venting of refrigerants,  
14 including refrigerants contained in appliances that reach the end of  
15 their useful life. However, the current regulatory environment  
16 notably lacks a mechanism to ensure that refrigerants and greenhouse  
17 gases contained in foams in appliances that reach the end of their  
18 life are managed appropriately. Unfortunately, a misplaced incentive  
19 often currently exists for persons disposing of an unwanted appliance  
20 that makes it less costly and easier to dispose of refrigerants  
21 contained in an appliance through illegal venting, which is

1 functionally challenging to prevent or to take enforcement actions  
2 against, rather than through environmentally responsible practices.  
3 In addition, the current regulatory environment does not establish  
4 incentives or otherwise ensure that greenhouse gas-containing foam in  
5 appliances will be managed in an environmentally responsible way.

6 (2) Federal law, through its responsible appliance disposal  
7 program, establishes voluntary achievable and environmentally  
8 friendly appliance management standards that many people disposing of  
9 unwanted appliances already abide by. In conjunction with utility  
10 incentive programs that spur the replacement of energy-inefficient  
11 old appliances, there already exists the beginnings of the  
12 infrastructure needed to more comprehensively manage greenhouse gas-  
13 containing appliances at the end of their useful life. One gap to  
14 ensuring this environmentally preferable outcome is a consistent  
15 funding mechanism to use and expand this appliance collection  
16 recycling infrastructure. Other jurisdictions in North America and  
17 around the world have addressed this funding gap by establishing  
18 stewardship programs for the funding and management of unwanted  
19 appliances. Appliance producer responsibility programs offer a  
20 significant opportunity to reduce greenhouse gas emissions that are  
21 not currently addressed by the state's other greenhouse gas emissions  
22 programs, and do so at a relatively low cost per ton of emissions  
23 reductions, and with other environmental benefits from the salvage  
24 and recycling of other appliance components.

25 (3) Therefore, it is the intent of the legislature to establish a  
26 responsible appliance disposal extended producer responsibility  
27 program.

28 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this  
29 section apply throughout this chapter unless the context clearly  
30 requires otherwise.

31 (1) "Appliance stewardship organization" or "stewardship  
32 organization" means a producer that directly implements an appliance  
33 stewardship plan required under this chapter or a nonprofit  
34 organization designated by a producer or group of producers to  
35 implement an appliance stewardship plan required under this chapter.

36 (2) "Category" means, with respect to the performance goals and  
37 reporting requirements of covered appliances, each of the following:

38 (a) Refrigerating and freezing appliances, designed and intended  
39 for residential use, for the conservation or storage of food and

1 beverages and other materials including, but not limited to,  
2 refrigerators, freezers, refrigerating wine cellars, wine coolers,  
3 and water dispensers;

4 (b) Refrigerating and freezing appliances, designed and intended  
5 for commercial or institutional use, for the conservation or storage  
6 of food or beverages and other materials including, but not limited  
7 to, refrigerators, freezers, cooling units, refrigerating wine  
8 cellars, wine coolers, refrigerated displays, ice machines, and  
9 refrigerated automatic food or beverage vending machines;

10 (c) Air conditioners, heat pumps, and dehumidifiers; and

11 (d) The following appliances designed and intended for  
12 residential, commercial, or institutional use: Ranges; built-in  
13 ovens; built-in cooking surfaces; dishwashers; washing machines; and  
14 dryers.

15 (3) (a) "Covered appliances" means electric or gas appliances that  
16 are:

17 (i) Of a type that typically contain more than negligible volumes  
18 of refrigerants or insulating foam with a potential to release  
19 greenhouse gases at the end of the appliance's useful life;

20 (ii) Designed or intended for residential, commercial, or  
21 institutional purposes; and

22 (iii) Used for cooking, the conservation or storage of food or  
23 beverages, the washing or drying of dishware, cloth, or clothing, or  
24 to control ventilation, the temperature, or humidity in a room or  
25 dwelling.

26 (b) "Covered appliances" include, but are not limited to:  
27 Refrigerators; freezers; wine cellars and coolers; water dispensers;  
28 heat pumps; portable or window air conditioners; dehumidifiers;  
29 dishwashers; washing machines; and dryers.

30 (c) "Covered appliances" does not include:

31 (i) Covered appliances of the categories specified in subsection  
32 (2) (a), (c), or (d) of this section whose weight is greater than  
33 1,000 pounds;

34 (ii) Appliances and air conditioners that form an integral part  
35 of a structure to ensure its usefulness or facilitate its use  
36 including, but not limited to, ice rink refrigeration systems and  
37 central air conditioning systems of commercial or residential  
38 multifamily buildings;

1 (iii) Mobile air conditioning contained in motor vehicles, rail  
2 and trains, aircraft, watercraft, recreational vehicles, recreational  
3 trailers, and campers; and

4 (iv) Other appliances identified as infeasible to include in  
5 rules adopted by the department.

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

7 (5) "Final disposition" means the point at which a covered  
8 appliance and each of its component parts:

9 (a) Are reused;

10 (b) Are recycled; or

11 (c) Are delivered to a disposal site, as that term is defined in  
12 RCW 70A.205.015.

13 (6) (a) "Producer" means with respect to a covered appliance that  
14 is sold, offered for sale, or distributed for sale in or into the  
15 state for use in the state:

16 (i) The person that manufactures the covered appliance and sells  
17 or offers for sale in or into the state that appliance under the  
18 person's own brand;

19 (ii) If there is no person to which (a)(i) of this subsection  
20 applies, the owner of a brand under which the covered appliance is  
21 sold, offered for sale, or distributed in or into the state;

22 (iii) If there is no person to which (a)(i) or (ii) of this  
23 subsection applies, the licensee of a brand under which the covered  
24 appliance is sold, offered for sale, or distributed in or into the  
25 state;

26 (iv) If there is no person to which (a)(i), (ii), or (iii) of  
27 this subsection applies, a person that imports the covered appliance  
28 into the United States for sale or distribution into Washington;

29 (v) If there is no person described in (a)(i), (ii), (iii), or  
30 (iv) of this subsection over whom the state can constitutionally  
31 exercise jurisdiction, the producer is the person who imports or  
32 distributes the covered appliance in or into the state; or

33 (vi) A person who notifies the department of the person's  
34 election to assume responsibility in lieu of a producer as identified  
35 under (a)(i) through (v) of this subsection. In the event the person  
36 that assumes responsibility fails to comply with the requirements of  
37 this chapter, the producer identified under (a)(i) through (v) of  
38 this subsection remains fully responsible for compliance with the  
39 requirements of this chapter.

1 (b) A retail establishment that sells covered appliances under  
2 its own brand, or that otherwise meets the definition of a producer  
3 in (a) of this subsection, is a producer for purposes of this  
4 chapter.

5 (7) "Program" means a program implemented by an appliance  
6 stewardship organization consistent with the requirements of this  
7 chapter.

8 (8) "RAD account" means the responsible appliance disposal  
9 account created in section 16 of this act.

10 (9) "RAD standards" means the voluntary responsible appliance  
11 disposal standards applicable to partners choosing to participate in  
12 the United States environmental protection agency's responsible  
13 appliance disposal program including, but not limited to, standards  
14 that provide for:

15 (a) The proper recovery and reclamation or destruction of  
16 refrigerants;

17 (b) The proper recovery and reclamation or destruction of foams;

18 (c) The safe disposal of hazardous waste products including, but  
19 not limited to, polychlorinated biphenyls and mercury;

20 (d) The proper recycling of used oil; and

21 (e) To the maximum extent possible, the recycling of all  
22 recoverable, durable materials including metal, plastic, and glass.

23 (10) "Regulated refrigerant" has the same meaning as defined in  
24 RCW 70A.60.010.

25 (11) "Retail establishment" means a person who sells covered  
26 appliances in or into this state or offers or otherwise makes  
27 available covered appliances to a customer, including other  
28 businesses, for use in this state.

29 NEW SECTION. **Sec. 3.** REQUIREMENT THAT PRODUCERS IMPLEMENT A  
30 PROGRAM. (1) Beginning January 1, 2024, each producer selling covered  
31 appliances in or into the state of Washington must register with the  
32 department through an appliance stewardship organization.

33 (2)(a) Beginning July 1, 2027, each producer selling covered  
34 appliances in or into the state of Washington shall participate in an  
35 approved appliance stewardship plan through participation in and  
36 appropriate funding of an appliance stewardship organization.

37 (b) A producer that does not participate in an appliance  
38 stewardship organization and appliance stewardship plan may not sell  
39 covered appliances in or into Washington.

1        NEW SECTION.        **Sec. 4.**        STEWARDSHIP PLAN COMPONENTS. (1) By

2        January 1, 2027, or no less than six months before a plan begins to  
3        be implemented, each appliance stewardship organization must submit a  
4        plan to the department for review and approval. An appliance  
5        stewardship organization may submit a plan at any time to the  
6        department for review and approval. The department must review and  
7        may approve a plan based on whether it contains and adequately  
8        addresses the following components:

9        (a) Lists and provides contact information for each producer and  
10       covered appliance brand participating in the plan;

11       (b) Identifies the covered appliance models of each producer  
12       participating in the plan;

13       (c) Proposes the implementation mechanisms through which the  
14       program expects to achieve the performance goals established in  
15       section 5 of this act, and describes the methods used to calculate  
16       whether the program is achieving its performance goals;

17       (d) Describes how the appliance stewardship organization will  
18       help make retail establishments aware of their obligation to sell  
19       only covered appliances of producers participating in an approved  
20       plan;

21       (e) Includes a detailed and comprehensive list of promotion  
22       activities to be undertaken as part of the educational and outreach  
23       program required in section 7 of this act;

24       (f) Describes the mechanisms used for the collection of covered  
25       appliances directly or indirectly from consumers, consistent with  
26       section 6 of this act, including the financial incentives described  
27       in section 8 of this act that are to be paid to persons that furnish  
28       covered appliances for collection by the program;

29       (g) Describe how the program will, consistent with RAD standards  
30       and other environmental best management practices, manage components  
31       of collected appliances including, but not limited to, scrap metal,  
32       compressors, glass, foam, plastic, nonferrous metal, oil,  
33       refrigerants, batteries, and components potentially containing  
34       mercury or polychlorinated biphenyls;

35       (h) Identifies proposed brokers, transporters, processors, and  
36       facilities to be used by the program for the recycling and final  
37       disposition of covered appliances; and

38       (i) Describes the financing methods to implement the plan,  
39       consistent with section 8 of this act, including how producer fees

1 and fee modulation will incorporate design for recycling and resource  
2 conservation as objectives.

3 (2) If required by the department, an appliance stewardship  
4 organization must submit a new plan to the department for approval:

5 (a) When there is a change to the method of financing plan  
6 implementation under section 8 of this act;

7 (b) If there are significant changes to the methods of  
8 collection, transport, or end-of-life management of covered  
9 appliances under section 6 of this act that are not covered by the  
10 plan. The department may, by rule, identify the types of significant  
11 changes that require a new plan to be submitted to the department for  
12 approval;

13 (c) No less than every five years; and

14 (d) Consistent with subsection (4) of this section.

15 (3) If required by the department, an appliance stewardship  
16 organization must provide plan amendments to the department for  
17 approval:

18 (a) After a producer begins or ceases to participate in an  
19 appliance stewardship organization, as part of a quarterly update  
20 submitted to the department that also includes a current  
21 identification of the producers and brands participating in the plan  
22 and their covered appliance models; or

23 (b) When adding or removing a processor or transporter, as part  
24 of a quarterly update submitted to the department.

25 (4) No earlier than five years after the initial approval of a  
26 plan, the department may require an appliance stewardship  
27 organization to submit a revised plan, which may include improvements  
28 to the collection mechanisms used by the plan, the amount of the  
29 incentive payments made by the stewardship organization to persons  
30 who furnish unwanted covered appliances, or increased expenditures  
31 dedicated to education and outreach, if the approved plan does not  
32 meet the performance goals under section 5 of this act.

33 (5) As a supplement or component of all new or updated plans  
34 under this chapter submitted by an appliance stewardship  
35 organization, the stewardship organization must submit a contingency  
36 plan demonstrating how the activities in the plan will continue to be  
37 carried out by some other entity, if needed, such as an escrow  
38 company:

39 (a) Until such time as a new plan is submitted and approved by  
40 the department;

1 (b) Upon the expiration of an approved plan;

2 (c) In the event that the stewardship organization has been  
3 notified by the department that they must transfer implementation  
4 responsibility for the program to a different stewardship  
5 organization;

6 (d) In the event that the stewardship organization notifies the  
7 department that it will cease to implement an approved plan; or

8 (e) In any other event that the stewardship organization can no  
9 longer carry out plan implementation.

10 NEW SECTION. **Sec. 5.** PERFORMANCE GOALS. (1) The stewardship  
11 organization must achieve the following recovery rates, comparing  
12 covered appliances collected and managed by the program relative to  
13 the number of covered appliances sold in or into Washington, by  
14 category of covered appliance:

15 (a) For the covered product categories specified in section  
16 2(2)(a) of this act: 75 percent in 2027; 80 percent in 2028; 85  
17 percent in 2029; and 90 percent beginning in 2030 and each year  
18 thereafter;

19 (b) For the covered product categories specified in section  
20 2(2)(b) of this act: 35 percent in 2027, increasing by five percent  
21 per year until the rate reaches 80 percent;

22 (c) For the covered product categories specified in section  
23 2(2)(c) of this act: 30 percent in 2027, increasing by five percent  
24 per year until the rate reaches 70 percent; and

25 (d) For covered product categories specified in section 2(2)(d)  
26 of this act: 70 percent as of 2028, increasing by five percent per  
27 year until the rate reaches 90 percent.

28 (2) The department may, by rule, increase the rates for a given  
29 year specified in subsection (1) of this section.

30 (3) The department must adopt rules or guidance to specify the  
31 methods to be used by a stewardship organization in the calculation  
32 of recovery rates achieved consistent with this section including,  
33 but not limited to:

34 (a) Identifying the sales year against which a covered product  
35 category's recovery rate is to be calculated, assuming a typical  
36 lifespan for each category of covered product; and

37 (b) How the stewardship organization will identify and report to  
38 the department, using the best information made available to the  
39 stewardship organization from producers participating in the

1 stewardship organization, the historical sales data for each year  
2 pertinent to the calculation of the recovery rate.

3 NEW SECTION. **Sec. 6.** COLLECTION AND MANAGEMENT. (1) An  
4 appliance stewardship organization must provide for the collection of  
5 covered appliances from any person, business, government agency, or  
6 nonprofit organization. A fee may not be charged at the time unwanted  
7 covered appliances are collected at a collection site or directly  
8 from a person and a financial incentive must be paid to the person  
9 from whom the covered appliance is collected, consistent with section  
10 8 of this act.

11 (2) At a minimum, each stewardship organization must provide  
12 statewide opportunities for the collection of covered appliances  
13 through:

14 (a) Collection sites at which a person may deposit an unwanted  
15 covered appliance. At a minimum, a stewardship organization must  
16 provide for at least one permanent collection site in each county  
17 unless granted an infeasibility waiver from this requirement by the  
18 department; and

19 (b) The direct door-to-door collection of unwanted covered  
20 appliances from any residence, commercial business, or institution in  
21 any geographic location in Washington where a covered appliance  
22 becomes unwanted.

23 (3) (a) Collection sites and any businesses hired by a stewardship  
24 organization to collect, transport, process, recycle, or otherwise  
25 manage unwanted covered appliances, including entities hired to  
26 deliver newly purchased covered appliances to customers and  
27 simultaneously take away unwanted covered appliances from those  
28 customers, must adhere to safety requirements and other procedures  
29 developed by the appliance stewardship organization. Collection sites  
30 relied upon by a stewardship organization to fulfill its obligations  
31 under this section may be permanent locations, temporary events, or  
32 both.

33 (b) Except as provided in (c) of this subsection, a stewardship  
34 organization must manage covered appliances consistent with RAD  
35 standards as they existed as of January 1, 2023.

36 (c) By rule, the department may require an appliance stewardship  
37 organization to manage covered appliances consistent with an updated  
38 version of RAD standards adopted by the United States environmental  
39 protection agency after January 1, 2023.

1 (4) (a) A retail establishment may voluntarily elect to serve as a  
2 collection site for some or all types of covered appliances.

3 (b) Local governments that operate household hazardous waste  
4 facilities or other solid waste facilities may voluntarily elect for  
5 these facilities to serve as collection sites under the program.

6 (c) Stewardship organizations must use existing public and  
7 private appliance collection services and facilities where cost-  
8 effective, mutually agreeable, and otherwise practicable.

9 (d) Programs must use as a collection site for covered appliances  
10 any retail establishment, wholesaler, municipality, solid waste  
11 management facility, or other entity that meets the collection site  
12 criteria provided in this section and the criteria for collection  
13 locations in the approved plan, upon the submission of a request by  
14 the entity to the appliance stewardship organization to serve as a  
15 collection site.

16 (e) A stewardship organization may suspend or terminate a  
17 collection site or service that does not adhere to the collection  
18 site criteria in the approved plan and that poses an immediate health  
19 and safety concern. The stewardship organization must notify the  
20 department upon suspending or terminating a collection site or  
21 service.

22 NEW SECTION. **Sec. 7.** EDUCATION AND OUTREACH. (1) Each appliance  
23 stewardship organization must carry out promotional activities in  
24 support of plan implementation including, but not limited to:

25 (a) The development and maintenance of a website;

26 (b) The development and distribution of periodic press releases  
27 and articles;

28 (c) The development and placement of graphic advertisements for  
29 use on social media or other relevant media platforms;

30 (d) The development of promotional materials about the program  
31 and the restriction on the disposal of covered appliances in section  
32 14 of this act to be used by retail establishments, government  
33 agencies, and nonprofit organizations; and

34 (e) The development and implementation of outreach and  
35 educational resources targeted to overburdened communities and  
36 vulnerable populations identified by the department under chapter  
37 70A.02 RCW that are conceptually, linguistically, and culturally  
38 accurate for the communities served and reach the state's diverse  
39 ethnic populations, including through meaningful consultation with

1 communities that bear disproportionately higher levels of adverse  
2 environmental and social justice impacts.

3 (2) Each appliance stewardship organization must provide:

4 (a) Consumer-focused educational promotional materials to each  
5 collection location used by the program and at each retailer that  
6 sells covered appliances; and

7 (b) Safety and best environmental management practice information  
8 related to covered appliance collection activities to the operator of  
9 each collection site and transporters of unwanted covered appliances,  
10 including information related to compliance with the requirements of  
11 RCW 70A.60.070 and appropriate protocols to reduce risks of release  
12 of greenhouse gases or hazardous materials.

13 (3) A producer that supplies covered appliances to a retail  
14 establishment must, upon request by the retail establishment, provide  
15 the retail establishment educational materials developed by the  
16 stewardship organization in consultation with stakeholders describing  
17 collection opportunities for covered appliances or must arrange for  
18 the program implementing the plan in which the producer participates  
19 to provide these materials.

20 (4) If multiple appliance stewardship organizations are  
21 implementing plans approved by the department, the appliance  
22 stewardship organizations must coordinate in carrying out their  
23 education and outreach responsibilities under this section and must  
24 include in their annual reports to the department a summary of their  
25 coordinated education and outreach efforts.

26 (5) During the first year of program implementation and every  
27 five years thereafter, each appliance stewardship organization must  
28 carry out a survey of public awareness to determine the effectiveness  
29 of the requirements of the program established under this chapter,  
30 including the provisions of section 14 of this act. Each appliance  
31 stewardship organization must share the results of the public  
32 awareness surveys with the department.

33 NEW SECTION. **Sec. 8.** FINANCIAL REQUIREMENTS. (1) Each appliance  
34 stewardship organization must ensure adequate funding is available to  
35 fully implement its appliance stewardship plan, including the  
36 implementation of aspects of the plan addressing:

37 (a) Appliance collection, transport, and processing;

38 (b) Education and outreach;

39 (c) Program evaluation and reporting to the department;

1 (d) The payments of a financial incentive to persons that furnish  
2 unwanted covered appliances to the program for collection; and

3 (e) The payment of administrative fees to the department.

4 (2) An appliance stewardship organization must develop, and  
5 continually improve over the years of program implementation, a  
6 system to collect charges from participating producers to cover the  
7 costs of plan implementation in an environmentally sound and socially  
8 just manner. The system of charges established by the stewardship  
9 organization must use eco-modulated fees to encourage the use of  
10 design attributes that reduce the environmental impacts of covered  
11 appliances. Examples of eco-modulated fees include, but are not  
12 limited to:

13 (a) Encouraging designs intended to facilitate reuse and  
14 recycling;

15 (b) Encouraging the use of recycled content;

16 (c) Discouraging the use of problematic materials that the  
17 appliance stewardship organization expects to increase the program's  
18 costs of managing covered appliances;

19 (d) Decreasing the global warming potential of appliances through  
20 any combination of:

21 (i) The use of substitute refrigerants and foams with comparative  
22 low global warming potential relative to alternative refrigerants and  
23 foams for the same specific end use of the refrigerant or foam;

24 (ii) The inclusion of lower volumes of refrigerants and foams in  
25 covered appliances; and

26 (iii) Product designs that minimize the releases of greenhouse  
27 gases from the covered appliance during and after the covered  
28 appliance's lifetime of use; and

29 (e) Encouraging other design attributes that reduce the  
30 environmental impacts of covered appliances, including reducing the  
31 use of toxic chemicals.

32 (3) Each appliance stewardship organization is responsible for  
33 all costs of participating covered appliance collection,  
34 transportation, processing, education, administration, agency  
35 reimbursement, recycling, and end-of-life management in accordance  
36 with RAD standards and other best environmental management practices.

37 (4) An appliance stewardship organization is not authorized to  
38 reduce or cease collection, education and outreach, or other  
39 activities implemented under an approved plan based on the  
40 achievement of program performance goals or upon collecting and

1 providing for the end-of-life management of more covered appliances  
2 than required in section 5 of this act.

3 (5) (a) To encourage persons to manage covered appliances through  
4 the program and to ensure that the program goals established in  
5 section 5 of this act are achieved, the stewardship organization must  
6 propose in its plan, and carry out in its program, the payment of a  
7 financial incentive for each covered appliance that a person  
8 furnishes to the program for management. The stewardship organization  
9 must demonstrate to the department that the amount of the financial  
10 incentive for each covered appliance will be sufficient to  
11 incentivize the use of the program by consumers with unwanted covered  
12 appliances, to discourage illegal dumping or venting of refrigerants  
13 or other pollutants, and must be in addition to any other incentive  
14 payments offered for the same covered appliances through utility  
15 rebate, energy efficiency, or other programs.

16 (b) The financial incentives offered through the program may vary  
17 as appropriate to ensure the achievement of the goals established in  
18 section 5 of this act in an efficient manner including, but not  
19 limited to the:

- 20 (i) Type of person furnishing the unwanted covered appliance; and  
21 (ii) Number of covered appliances furnished by a person.

22 (c) A stewardship organization may not pay a financial incentive  
23 for the furnishing of a covered appliance that no longer contains the  
24 refrigerants used in the appliance or that has otherwise been damaged  
25 in a manner likely to have resulted in the release of greenhouse  
26 gases.

27 (6) (a) An appliance stewardship organization must reimburse local  
28 governments for demonstrable costs incurred as a result of a local  
29 government facility or solid waste handling facility serving as a  
30 collection location for a program including, but not limited to,  
31 associated labor costs and other costs associated with safety,  
32 accessibility, and collection site standards such as storage.

33 (b) An appliance stewardship organization must include in its  
34 stewardship plan, and provide upon request, a template of the service  
35 agreement and any other forms, contracts, or other documents for use  
36 in distribution of reimbursements. The service agreement template  
37 must be developed with local government and business input. The  
38 entities seeking or receiving reimbursement from the appliance  
39 stewardship organization are not required to use the service  
40 agreement template included in the program plan and are not limited

1 to the terms of the service agreement template included in the  
2 program plan.

3 NEW SECTION. **Sec. 9.** ROLE OF RETAIL ESTABLISHMENTS. (1)  
4 Beginning July 1, 2027, a retail establishment may not sell, offer  
5 for sale, or otherwise make available for sale a covered appliance  
6 unless the producer of the covered appliance participates in an  
7 appliance stewardship organization.

8 (2) A retail establishment is in compliance with the requirements  
9 of subsection (1) of this section and is not subject to penalties as  
10 long as the website made available by the department under section 12  
11 of this act lists, as of the date a product is made available for  
12 retail sale, a producer or brand and appliance model of a covered  
13 appliance sold by the retail establishment as being a participant in  
14 an approved plan or the implementer of an approved plan.

15 (3) A retail establishment that sells covered appliances is not  
16 required to make retail locations available to serve as collection  
17 locations for a program operated by an appliance stewardship  
18 organization. However, a retail establishment that agrees to make a  
19 retail location available to serve as a collection location for a  
20 program must comply with the requirements for collection locations,  
21 consistent with section 6 of this act.

22 (4) A retail establishment selling or offering covered appliances  
23 for sale in Washington must provide information to customers,  
24 provided to the retail establishment by the stewardship organization,  
25 regarding available end-of-life management options for covered  
26 appliances collected by the stewardship organization. The information  
27 that an appliance stewardship organization must make available to  
28 retail establishments by retailers must include, but is not limited  
29 to, in-store signage, written materials, and other promotional  
30 materials that retail establishments may use to inform customers of  
31 the available end-of-life management options for covered appliances  
32 collected by the stewardship organization. All materials developed by  
33 a stewardship organization under this subsection must emphasize to  
34 consumers the importance of using the program established under this  
35 chapter for unwanted covered appliances, the prohibitions on disposal  
36 established in section 14 of this act, and the prohibitions under  
37 federal law and chapters 70A.15 and 70A.60 RCW on the willful release  
38 of refrigerants contained in covered appliances.

1 (5) Retail establishments, producers, or stewardship  
2 organizations may not charge a point-of-sale fee to consumers to  
3 cover the administrative or operational costs of the stewardship  
4 organization or the program.

5 NEW SECTION. **Sec. 10.** REPORTING. By June 1, 2028, and each June  
6 1st thereafter, each appliance stewardship organization must submit  
7 an annual report to the department covering the preceding calendar  
8 year of program implementation. The report must include:

9 (1) An independent financial audit of a program implemented by  
10 the appliance stewardship organization, including a breakdown of the  
11 program's expenses, such as collection, recycling, education, and  
12 overhead;

13 (2) A summary financial statement documenting the financing of an  
14 appliance stewardship organization's program and an analysis of  
15 program costs and expenditures, including an analysis of the  
16 program's expenses, such as collection, transportation, recycling,  
17 education, and administrative overhead;

18 (3) Key quantitative data regarding program operations,  
19 including:

20 (a) The number of units of each category of covered appliance  
21 collected by the program;

22 (b) The weight, by component or material type contained in  
23 covered appliances, of materials that were: (i) Salvaged, repaired,  
24 or reused; (ii) recycled; (iii) landfilled; or (iv) managed through  
25 other methods;

26 (c) The quantity of each type of recovered refrigerant, and the  
27 management outcomes of those recovered refrigerants, as calculated  
28 consistent with methods adopted by the department by rule;

29 (d) The quantity of each type of recovered greenhouse gas from  
30 foam contained in covered appliances, as calculated consistent with  
31 methods adopted by the department by rule;

32 (e) Estimates of the net greenhouse gas emissions in carbon  
33 dioxide equivalents avoided through the activities of the program,  
34 using a form and method specified by the department by rule; and

35 (f) The performance of the program relative to the goals  
36 established in section 5 of this act;

37 (4) For each facility used for the final disposition of covered  
38 appliances or appliance components, the name and address of the

1 facility and a description of how the facility recycled or otherwise  
2 disposed of the covered appliances or appliance components;

3 (5) A summary of the education and outreach supporting plan  
4 implementation;

5 (6) A list of all permanent collection locations and the address  
6 for each listed site, with links to appropriate websites where there  
7 are existing websites associated with a location; and

8 (7) Any other information about program operations required to be  
9 included in the annual report in rules adopted by the department.

10 NEW SECTION. **Sec. 11.** INFORMATION SUBMISSION. A stewardship  
11 organization that submits information or records to the department  
12 under this chapter may request that the information or records be  
13 made available only for the confidential use of the department, the  
14 director of the department, or the appropriate division of the  
15 department. The director of the department must give consideration to  
16 the request and if this action is not detrimental to the public  
17 interest and is otherwise in accordance with the policies and  
18 purposes of chapter 43.21A RCW, the director must grant the request  
19 for the information to remain confidential as authorized in RCW  
20 43.21A.160.

21 NEW SECTION. **Sec. 12.** ROLES AND RESPONSIBILITIES OF THE  
22 DEPARTMENT OF ECOLOGY. (1) The department must implement, administer,  
23 and enforce this chapter. The department may adopt rules as necessary  
24 to implement, administer, and enforce this chapter.

25 (2)(a) By April 1, 2024, and every April 1st thereafter, the  
26 department must:

27 (i) Identify the projected annual costs to implement, administer,  
28 and enforce this chapter;

29 (ii) Determine a total annual fee payment to be paid by each  
30 stewardship organization that is adequate to cover, but not exceed,  
31 the costs identified in (a)(i) of this subsection;

32 (iii) Until rules are adopted under (a)(iv) of this subsection,  
33 issue a general order to all registered stewardship organizations.  
34 The department must equitably determine fee amounts for stewardship  
35 organizations;

36 (iv) By January 1, 2026, adopt rules to equitably determine  
37 annual fee payments by stewardship organizations. Once these rules

1 are adopted, the general order issued under (a)(iii) of this  
2 subsection is no longer effective; and

3 (v) Send notice to stewardship organizations of fee amounts due  
4 consistent with either the general order issued under (a)(iii) of  
5 this subsection or rules adopted under (a)(iv) of this subsection.

6 (b) The department must:

7 (i) Apply any remaining annual payment funds from the current  
8 year to the annual payment for the coming fiscal year, if the  
9 collected annual payment exceeds the costs identified under (a)(ii)  
10 of this subsection for a given year; and

11 (ii) Increase annual payments for the coming fiscal year to cover  
12 the costs identified under (a)(ii) of this subsection, if the  
13 collected annual payment was less than the amount required to cover  
14 those costs for a given year.

15 (3)(a) The department must review new, updated, and revised plans  
16 submitted by appliance stewardship organizations. The department  
17 must:

18 (i) Make new, updated, and revised plans available for public  
19 review and comment for at least 30 days prior to the department's  
20 approval decision;

21 (ii) Review new, updated, and revised stewardship organization  
22 plans within 180 days of receipt of a complete plan;

23 (iii) Make a determination as to whether or not to approve a  
24 plan, plan update, or plan revision and notify the stewardship  
25 organization of the:

26 (A) Determination of approval if a plan provides for a program  
27 that meets the requirements of this chapter, taking into  
28 consideration comments received under (a)(i) of this subsection; or

29 (B) Reasons for not approving a plan. The appliance stewardship  
30 organization must submit a new or revised plan within 60 days after  
31 receipt of the letter of disapproval. In the event that a new or  
32 revised plan submitted by a appliance stewardship organization does  
33 not sufficiently meet the requirements of this chapter, including any  
34 deficiencies identified in the initial letter of disapproval, the  
35 department may:

36 (I) Use the enforcement powers specified in section 13 of this  
37 act; or

38 (II) Amend the contents of the insufficient new or revised plan  
39 in a manner that ensures that the plan meets the requirements of this

1 chapter and the department may require the appliance stewardship  
2 organization to implement the plan as amended by the department.

3 (b) The approval of a plan by the department does not relieve  
4 producers participating in the plan from responsibility for  
5 fulfilling the requirements of this chapter.

6 (4) The department must review annual reports submitted by  
7 stewardship organizations as required in section 10 of this act. The  
8 department must:

9 (a) Make annual reports available for public review and comment  
10 for at least 30 days upon the receipt of the annual report by the  
11 department;

12 (b) Review the annual report within 120 days of receipt of a  
13 complete annual report;

14 (c) Make a determination as to whether or not an annual report  
15 meets the requirements of section 10 of this act and notify the  
16 stewardship organization of the:

17 (i) Determination of approval of the annual report; or

18 (ii) Reasons for not approving the annual report. The stewardship  
19 organization must submit a revised annual report within 60 days after  
20 receipt of the letter of disapproval;

21 (d) Notify a stewardship organization if the annual report  
22 demonstrates that the program and activities to implement the plan  
23 fail to achieve the reuse and recycling targets approved by the  
24 department or otherwise fail to achieve significant requirements  
25 under this chapter.

26 (5) Consistent with section 6 of this act, the department may  
27 grant an infeasibility waiver temporarily exempting, for the duration  
28 of a plan, a stewardship organization from the requirement to provide  
29 a permanent collection site in each county. The department may only  
30 grant an exemption if the stewardship organization demonstrates that  
31 no retail establishment or local government has voluntarily elected  
32 to serve as a collection site and that access to collection services  
33 by persons in possession of an unwanted covered appliance will not be  
34 substantially affected by the lack of a permanent collection location  
35 in a low population density county. An appliance stewardship  
36 organization granted an infeasibility waiver under this section must,  
37 at minimum, hold at least two collection events each year in any  
38 counties covered by the infeasibility waiver.

39 (6) The department must maintain a public website that:

1 (a) Lists each registered appliance stewardship organization  
2 along with its member producers and their covered appliances that are  
3 included under the stewardship organization's plan; and

4 (b) Makes available each plan and annual report received by the  
5 department under this chapter.

6 NEW SECTION. **Sec. 13.** PENALTIES. (1)(a) The department may  
7 administratively impose a civil penalty of up to \$1,000 per violation  
8 per day on any person who violates this chapter and up to \$10,000 per  
9 violation per day for the second and each subsequent violation.

10 (b) Prior to imposing penalties under this subsection, the  
11 department must provide a person with a written warning for the first  
12 violation by the person of the requirements of this chapter. The  
13 written warning must inform the person that it must participate in an  
14 approved plan or otherwise come into compliance with the requirements  
15 of this chapter within 30 days of the notice. A person that violates  
16 a provision of this chapter after the initial written warning may be  
17 assessed a penalty as provided in this subsection.

18 (2) Upon the department notifying an appliance stewardship  
19 organization that it has not met a significant requirement of this  
20 chapter, the department may, in addition to assessing the penalties  
21 provided in subsection (1) of this section, take any combination of  
22 the following actions:

23 (a)(i) Issue corrective action orders to a producer or  
24 stewardship organization;

25 (ii) Issue orders to a stewardship organization to provide for  
26 the continued implementation of the program in the absence of an  
27 approved plan;

28 (b) Revoke the stewardship organization's plan approval and  
29 require the stewardship organization to implement its contingency  
30 plan;

31 (c) Require a stewardship organization to revise or resubmit a  
32 plan within a specified time frame; or

33 (d) Require additional reporting related to compliance with the  
34 significant requirement of this chapter that was not met.

35 (3) Prior to taking the actions described in subsection (2)(b) of  
36 this section, the department must provide the stewardship  
37 organization with an opportunity to respond to or rebut the written  
38 finding upon which the action is predicated.

1 (4) Any person who incurs a penalty under subsection (1) of this  
2 section or an order under subsection (2) of this section may appeal  
3 the penalty or order to the pollution control hearings board  
4 established in chapter 43.21B RCW.

5 (5) Penalties levied under this subsection must be deposited in  
6 the climate commitment account created in RCW 70A.65.260.

7 NEW SECTION. **Sec. 14.** REQUIREMENT TO USE PROGRAM. (1) All  
8 persons, residents, businesses, and government, commercial,  
9 industrial, and retail facilities, and office buildings must dispose  
10 of unwanted covered appliances through approved collection methods  
11 established by the programs created by this chapter.

12 (2)(a) A person may not place covered appliances in waste  
13 containers for disposal at incinerators, waste to energy facilities,  
14 or landfills. A person may not dispose of covered appliances at  
15 incinerators, waste to energy facilities, or landfills.

16 (b) Nothing in this subsection restricts the incineration or  
17 landfilling of component materials contained in a covered appliance  
18 that has been collected and managed by the stewardship organization  
19 consistent with the requirements of section 6 of this act.

20 (3) A person servicing or repairing covered appliances or  
21 disposing of unwanted covered appliances must comply with the  
22 requirements of RCW 70A.60.070.

23 NEW SECTION. **Sec. 15.** ANTITRUST. Producers or appliance  
24 stewardship organizations acting on behalf of producers that prepare,  
25 submit, and implement an appliance stewardship program plan pursuant  
26 to this chapter and who are thereby subject to regulation by the  
27 department are granted immunity from state laws relating to  
28 antitrust, restraint of trade, unfair trade practices, and other  
29 regulation of trade and commerce, for the limited purpose of  
30 planning, reporting, and operating an appliance stewardship program,  
31 including:

32 (1) The creation, implementation, or management of an appliance  
33 stewardship organization and any appliance stewardship plan  
34 regardless of whether it is submitted, denied, or approved;

35 (2) The cost and structure of an appliance stewardship plan; and

36 (3) The types or quantities of appliances and component  
37 greenhouse gases being recycled or otherwise managed pursuant to this  
38 chapter.

1        NEW SECTION.    **Sec. 16.**    RAD ACCOUNT. The responsible appliance  
2 disposal account is created in the state treasury. All receipts from  
3 the fees imposed under section 12 of this act must be deposited in  
4 the account. Moneys in the account may be spent only after  
5 appropriation. Expenditures from the account may only be used for the  
6 implementation of this chapter.

7        NEW SECTION.    **Sec. 17.**    PROHIBITION ON THE USES OF FUNDS. A  
8 stewardship organization may not use funds collected for purposes of  
9 implementing a plan required under this chapter associated with:

- 10        (1) The payment of an administrative penalty levied;
- 11        (2) Administrative appeals of orders or penalties;
- 12        (3) Litigation between the appliance stewardship organization and  
13 the state;
- 14        (4) Compensation of a person whose position is primarily  
15 representing the appliance stewardship organization relative to the  
16 passage, defeat, approval, or modification of legislation that is  
17 being considered by a government entity; or
- 18        (5) Paid advertisements related to encouraging the passage,  
19 defeat, approval, or modification of legislation that is being  
20 considered during an upcoming or current legislative session, or was  
21 considered during the previous legislative session.

22        NEW SECTION.    **Sec. 18.**    LIMITATION OF CHAPTER. Nothing in this  
23 chapter changes or limits the applicability of the requirements of  
24 chapter 70A.15 or 70A.300 RCW to covered appliances.

25        NEW SECTION.    **Sec. 19.**    A new section is added to chapter 82.04  
26 RCW to read as follows:

27        BUSINESS AND OCCUPATION TAX EXEMPTION. (1) This chapter does not  
28 apply to the receipts of an appliance stewardship organization formed  
29 under chapter 70A.--- RCW (the new chapter created in section 23 of  
30 this act) from charges to participating producers under an appliance  
31 stewardship program as provided in section 8 of this act.

32        (2) This section is not subject to the requirements of RCW  
33 82.32.805 and 82.32.808 and is not subject to an expiration date.

34        (3) The definitions in section 2 of this act apply throughout  
35 this section unless the context clearly requires otherwise.

1       **Sec. 20.** RCW 43.21B.110 and 2022 c 180 s 812 are each amended to  
2 read as follows:

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

10       (a) Civil penalties imposed pursuant to RCW 18.104.155,  
11 70A.15.3160, 70A.300.090, 70A.20.050, 70A.530.040, 70A.350.070,  
12 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080,  
13 70A.65.200, 70A.455.090, 76.09.170, 77.55.440, 78.44.250, 88.46.090,  
14 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102  
15 and chapter 70A.--- RCW (the new chapter created in section 23 of  
16 this act).

17       (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,  
18 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.300.120, 70A.350.070,  
19 70A.245.020, 70A.65.200, 86.16.020, 88.46.070, 90.14.130, 90.46.250,  
20 90.48.120, and 90.56.330 and chapter 70A.--- RCW (the new chapter  
21 created in section 23 of this act).

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

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

32       (e) Decisions of local health departments regarding the issuance  
33 and enforcement of permits to use or dispose of biosolids under RCW  
34 70A.226.090.

35       (f) Decisions of the department regarding waste-derived  
36 fertilizer or micronutrient fertilizer under RCW 15.54.820, and  
37 decisions of the department regarding waste-derived soil amendments  
38 under RCW 70A.205.145.

39       (g) Decisions of local conservation districts related to the  
40 denial of approval or denial of certification of a dairy nutrient

1 management plan; conditions contained in a plan; application of any  
2 dairy nutrient management practices, standards, methods, and  
3 technologies to a particular dairy farm; and failure to adhere to the  
4 plan review and approval timelines in RCW 90.64.026.

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

8 (i) Decisions of the department of natural resources, the  
9 department of fish and wildlife, and the department that are  
10 reviewable under chapter 76.09 RCW, and the department of natural  
11 resources' appeals of county, city, or town objections under RCW  
12 76.09.050(7).

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

15 (k) Decisions of the department of fish and wildlife to issue,  
16 deny, condition, or modify a hydraulic project approval permit under  
17 chapter 77.55 RCW, to issue a stop work order, to issue a notice to  
18 comply, to issue a civil penalty, or to issue a notice of intent to  
19 disapprove applications.

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

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

26 (n) Decisions of the department of ecology that are appealable  
27 under RCW 70A.245.020 to set recycled minimum postconsumer content  
28 for covered products or to temporarily exclude types of covered  
29 products in plastic containers from minimum postconsumer recycled  
30 content requirements.

31 (o) Orders by the department of ecology under RCW 70A.455.080.

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

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

36 (b) Hearings conducted by the department pursuant to RCW  
37 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100,  
38 70A.15.3110, and 90.44.180.

39 (c) Appeals of decisions by the department under RCW 90.03.110  
40 and 90.44.220.

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

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

6 **Sec. 21.** RCW 43.21B.300 and 2022 c 180 s 813 are each amended to  
7 read as follows:

8 (1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160,  
9 70A.205.280, 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050,  
10 70A.245.070, 70A.245.080, 70A.65.200, 70A.455.090, 88.46.090,  
11 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102  
12 and chapters 70A.355 and 70A.--- (the new chapter created in section  
13 23 of this act) RCW shall be imposed by a notice in writing, either  
14 by certified mail with return receipt requested or by personal  
15 service, to the person incurring the penalty from the department or  
16 the local air authority, describing the violation with reasonable  
17 particularity. For penalties issued by local air authorities, within  
18 30 days after the notice is received, the person incurring the  
19 penalty may apply in writing to the authority for the remission or  
20 mitigation of the penalty. Upon receipt of the application, the  
21 authority may remit or mitigate the penalty upon whatever terms the  
22 authority in its discretion deems proper. The authority may ascertain  
23 the facts regarding all such applications in such reasonable manner  
24 and under such rules as it may deem proper and shall remit or  
25 mitigate the penalty only upon a demonstration of extraordinary  
26 circumstances such as the presence of information or factors not  
27 considered in setting the original penalty.

28 (2) Any penalty imposed under this section may be appealed to the  
29 pollution control hearings board in accordance with this chapter if  
30 the appeal is filed with the hearings board and served on the  
31 department or authority 30 days after the date of receipt by the  
32 person penalized of the notice imposing the penalty or 30 days after  
33 the date of receipt of the notice of disposition by a local air  
34 authority of the application for relief from penalty.

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

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

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

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

3 (4) If the amount of any penalty is not paid to the department  
4 within 30 days after it becomes due and payable, the attorney  
5 general, upon request of the department, shall bring an action in the  
6 name of the state of Washington in the superior court of Thurston  
7 county, or of any county in which the violator does business, to  
8 recover the penalty. If the amount of the penalty is not paid to the  
9 authority within 30 days after it becomes due and payable, the  
10 authority may bring an action to recover the penalty in the superior  
11 court of the county of the authority's main office or of any county  
12 in which the violator does business. In these actions, the procedures  
13 and rules of evidence shall be the same as in an ordinary civil  
14 action.

15 (5) All penalties recovered shall be paid into the state treasury  
16 and credited to the general fund except those penalties imposed  
17 pursuant to RCW 18.104.155, which shall be credited to the  
18 reclamation account as provided in RCW 18.104.155(7), RCW  
19 70A.15.3160, the disposition of which shall be governed by that  
20 provision, RCW 70A.245.040 and 70A.245.050, which shall be credited  
21 to the recycling enhancement account created in RCW 70A.245.100, RCW  
22 70A.300.090, which shall be credited to the model toxics control  
23 operating account created in RCW 70A.305.180, RCW 70A.65.200, which  
24 shall be credited to the climate investment account created in RCW  
25 70A.65.250, RCW 90.56.330, which shall be credited to the coastal  
26 protection fund created by RCW 90.48.390, ~~((and))~~ RCW 70A.355.070,  
27 which shall be credited to the underground storage tank account  
28 created by RCW 70A.355.090, and chapter 70A.--- RCW (the new chapter  
29 created in section 23 of this act), which shall be credited to the  
30 refrigerant emission management account created in RCW 70A.60.050.

31 **Sec. 22.** RCW 70A.65.260 and 2022 c 179 s 17 are each amended to  
32 read as follows:

33 (1) The climate commitment account is created in the state  
34 treasury. The account must receive moneys distributed to the account  
35 from the climate investment account created in RCW 70A.65.250 and  
36 from penalties imposed under section 13 of this act. Moneys in the  
37 account may be spent only after appropriation. Projects, activities,  
38 and programs eligible for funding from the account must be physically

1 located in Washington state and include, but are not limited to, the  
2 following:

3 (a) Implementing the working families' tax ((~~rebate~~) credit in  
4 RCW 82.08.0206;

5 (b) Supplementing the growth management planning and  
6 environmental review fund established in RCW 36.70A.490 for the  
7 purpose of making grants or loans to local governments for the  
8 purposes set forth in RCW 43.21C.240, 43.21C.031, 36.70A.500, and  
9 36.70A.600, for costs associated with RCW 36.70A.610, and to cover  
10 costs associated with the adoption of optional elements of  
11 comprehensive plans consistent with RCW 43.21C.420;

12 (c) Programs, activities, or projects that reduce and mitigate  
13 impacts from greenhouse gases and copollutants in overburdened  
14 communities, including strengthening the air quality monitoring  
15 network to measure, track, and better understand air pollution levels  
16 and trends and to inform the analysis, monitoring, and pollution  
17 reduction measures required in RCW 70A.65.020;

18 (d) Programs, activities, or projects that deploy renewable  
19 energy resources, such as solar and wind power, and projects to  
20 deploy distributed generation, energy storage, demand-side  
21 technologies and strategies, and other grid modernization projects;

22 (e) Programs, activities, or projects that increase the energy  
23 efficiency or reduce greenhouse gas emissions of industrial  
24 facilities including, but not limited to, proposals to implement  
25 combined heat and power, district energy, or on-site renewables, such  
26 as solar and wind power, to upgrade the energy efficiency of existing  
27 equipment, to reduce process emissions, and to switch to less  
28 emissions intensive fuel sources;

29 (f) Programs, activities, or projects that achieve energy  
30 efficiency or emissions reductions in the agricultural sector  
31 including:

32 (i) Fertilizer management;

33 (ii) Soil management;

34 (iii) Bioenergy;

35 (iv) Biofuels;

36 (v) Grants, rebates, and other financial incentives for  
37 agricultural harvesting equipment, heavy-duty trucks, agricultural  
38 pump engines, tractors, and other equipment used in agricultural  
39 operations;

1 (vi) Grants, loans, or any financial incentives to food  
2 processors to implement projects that reduce greenhouse gas  
3 emissions;

4 (vii) Renewable energy projects;

5 (viii) Farmworker housing weatherization programs;

6 (ix) Dairy digester research and development;

7 (x) Alternative manure management; and

8 (xi) Eligible fund uses under RCW 89.08.615;

9 (g) Programs, activities, or projects that increase energy  
10 efficiency in new and existing buildings, or that promote low carbon  
11 architecture, including use of newly emerging alternative building  
12 materials that result in a lower carbon footprint in the built  
13 environment over the life cycle of the building and component  
14 building materials;

15 (h) Programs, activities, or projects that promote the  
16 electrification and decarbonization of new and existing buildings,  
17 including residential, commercial, and industrial buildings;

18 (i) Programs, activities, or projects that improve energy  
19 efficiency, including district energy, and investments in market  
20 transformation of high efficiency electric appliances and equipment  
21 for space and water heating;

22 (j) Clean energy transition and assistance programs, activities,  
23 or projects that assist affected workers or people with lower incomes  
24 during the transition to a clean energy economy, or grow and expand  
25 clean manufacturing capacity in communities across Washington state  
26 including, but not limited to:

27 (i) Programs, activities, or projects that directly improve  
28 energy affordability and reduce the energy burden of people with  
29 lower incomes, as well as the higher transportation fuel burden of  
30 rural residents, such as bill assistance, energy efficiency, and  
31 weatherization programs;

32 (ii) Community renewable energy projects that allow qualifying  
33 participants to own or receive the benefits of those projects at  
34 reduced or no cost;

35 (iii) Programs, activities, or other worker-support projects for  
36 bargaining unit and nonsupervisory fossil fuel workers who are  
37 affected by the transition away from fossil fuels to a clean energy  
38 economy. Worker support may include, but is not limited to: (A) Full  
39 wage replacement, health benefits, and pension contributions for  
40 every worker within five years of retirement; (B) full wage

1 replacement, health benefits, and pension contributions for every  
2 worker with at least one year of service for each year of service up  
3 to five years of service; (C) wage insurance for up to five years for  
4 workers reemployed who have more than five years of service; (D) up  
5 to two years of retraining costs, including tuition and related  
6 costs, based on in-state community and technical college costs; (E)  
7 peer counseling services during transition; (F) employment placement  
8 services, prioritizing employment in the clean energy sector; and (G)  
9 relocation expenses;

10 (iv) Direct investment in workforce development, via technical  
11 education, community college, institutions of higher education,  
12 apprenticeships, and other programs including, but not limited to:

13 (A) Initiatives to develop a forest health workforce established  
14 under RCW 76.04.521; and

15 (B) Initiatives to develop new education programs, emerging  
16 fields, or jobs pertaining to the clean energy economy;

17 (v) Transportation, municipal service delivery, and technology  
18 investments that increase a community's capacity for clean  
19 manufacturing, with an emphasis on communities in greatest need of  
20 job creation and economic development and potential for commute  
21 reduction;

22 (k) Programs, activities, or projects that reduce emissions from  
23 landfills and waste-to-energy facilities through diversion of organic  
24 materials, methane capture or conversion strategies, installation of  
25 gas collection devices and gas control systems, monitoring and  
26 reporting of methane emissions, or other means, prioritizing funding  
27 needed for any activities by local governments to comply with chapter  
28 70A.540 RCW;

29 (l) Carbon dioxide removal projects, programs, and activities;  
30 and

31 (m) Activities to support efforts to mitigate and adapt to the  
32 effects of climate change affecting Indian tribes, including capital  
33 investments in support of the relocation of Indian tribes located in  
34 areas at heightened risk due to anticipated sea level rise, flooding,  
35 or other disturbances caused by climate change. The legislature  
36 intends to dedicate at least \$50,000,000 per biennium from the  
37 account for purposes of this subsection.

38 (2) Moneys in the account may not be used for projects or  
39 activities that would violate tribal treaty rights or result in  
40 significant long-term damage to critical habitat or ecological

1 functions. Investments from this account must result in long-term  
2 environmental benefits and increased resilience to the impacts of  
3 climate change.

4 NEW SECTION. **Sec. 23.** Sections 1 through 18 of this act  
5 constitute a new chapter in Title 70A RCW.

6 NEW SECTION. **Sec. 24.** If any provision of this act or its  
7 application to any person or circumstance is held invalid, the  
8 remainder of the act or the application of the provision to other  
9 persons or circumstances is not affected.

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