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ENGROSSED SECOND SUBSTITUTE HOUSE BILL 2301

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State of Washington

68th Legislature

2024 Regular Session

**By** House Appropriations (originally sponsored by Representatives Doglio, Fitzgibbon, Duerr, Berry, Ramel, Ormsby, Peterson, Pollet, Macri, Cortes, Shavers, Leavitt, and Kloba)

READ FIRST TIME 02/05/24.

1 AN ACT Relating to improving the outcomes associated with waste  
2 material management systems, including products affecting organic  
3 material management systems; amending RCW 70A.207.020, 70A.214.100,  
4 70A.205.540, 70A.205.545, 70A.455.040, 70A.455.070, 70A.455.090,  
5 15.04.420, and 43.19A.150; adding new sections to chapter 70A.207  
6 RCW; adding a new section to chapter 43.23 RCW; adding a new section  
7 to chapter 70A.205 RCW; adding a new section to chapter 70A.455 RCW;  
8 adding a new section to chapter 19.27 RCW; and creating new sections.

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

10 **PART 1**

11 **INTENT**

12 NEW SECTION. **Sec. 101.** INTENT. (1) The legislature finds:

13 (a) Washington is now experiencing the effects of a climate  
14 crisis: Hotter summers with record-breaking temperatures, devastating  
15 fires, drought conditions, and rising sea levels that erode our  
16 coastlines and are causing some communities to move upland;

17 (b) Methane is a potent greenhouse gas and landfills are  
18 documented by the United States environmental protection agency to be  
19 the 3rd largest human-made source, with food, yard waste, and other  
20 plant-based organic material degrading in landfills to methane;

1 (c) Food waste is a major issue in the United States and  
2 globally, that, according to the food and agriculture organization of  
3 the United Nations, unwanted and discarded food squanders resources,  
4 including water, land, energy, labor, and capital, estimated that  
5 one-third of the food produced in the world for human consumption,  
6 about 1,300,000,000 tons, is lost or wasted every year, and the food  
7 loss and waste in industrialized countries equates to a value of  
8 approximately \$680,000,000,000;

9 (d) The Harvard University food law and policy clinic has  
10 estimated that 40 percent of the food supply in the United States is  
11 not eaten and that according to the United States environmental  
12 protection agency and the United States department of agriculture,  
13 food loss and waste is the single largest component of disposed  
14 municipal solid waste in the United States;

15 (e) In 2015, that the administrator of the United States  
16 environmental protection agency and the secretary of the United  
17 States department of agriculture announced a national goal of  
18 reducing food waste by 50 percent by the year 2030. In 2019,  
19 Washington established the same goal in RCW 70A.205.715;

20 (f) Compost and other products of organic material management  
21 facilities have beneficial applications and can improve soil health,  
22 water quality, and other environmental outcomes. However, in order  
23 for the products of organic material management facilities to lead to  
24 improved environmental outcomes and for the economics of the  
25 operations of these facilities to pencil out, it is important that  
26 inbound sources of organic material waste are free of plastic  
27 contamination, pesticides, and other materials that will reduce  
28 compost quality; and

29 (g) Farmers, processors, retailers, and food banks in Washington  
30 are leaders in addressing this issue, and in 2022, with the enactment  
31 of chapter 180, Laws of 2022 (Engrossed Second Substitute House Bill  
32 No. 1799), Washington took significant steps towards the improvement  
33 of organic material management systems.

34 (2) It is the legislature's intent to provide additional tools  
35 and financial resources to build on this progress in coming years by:

36 (a) Creating a variety of grant programs to support food waste  
37 reduction, food rescue, and other organic material management system  
38 improvements, including grants to support the implementation of new  
39 policy requirements related to organic material management;

1 (b) Amending solid waste management requirements in support of  
2 improved organic material management outcomes, including through the  
3 statewide standardization of colors and labels for organic,  
4 recycling, and garbage bins, and amending the organic material  
5 management service requirements in local jurisdictions and that apply  
6 to businesses;

7 (c) Making changes to product degradability labeling  
8 requirements;

9 (d) Amending the state building code in support of organic  
10 material management; and

11 (e) Continuing to discuss how to maximize donations of food from  
12 generators of unwanted edible food.

13 (3) It is the legislature's intent for the following management  
14 option preferences to apply to the management of food under this act,  
15 including the provisions of law being amended by this act, in order  
16 of most preferred to least preferred:

17 (a) Prevents wasted food;

18 (b) Donates or upcycles food;

19 (c) Feeds animals or leaves food unharvested;

20 (d) Composts or anaerobically digests materials with beneficial  
21 use of the compost, digestate, or biosolids;

22 (e) Anaerobically digests materials with the disposal of  
23 digestate or biosolids, or applies material to the land; and

24 (f) Sends materials down the drain, to landfills, or incinerates  
25 material, with or without accompanying energy recovery.

## 26 PART 2

### 27 FUNDING FOR SUSTAINABLE FOOD MANAGEMENT PRIORITIES

28 NEW SECTION. **Sec. 201.** A new section is added to chapter  
29 70A.207 RCW to read as follows:

30 CENTER FOR SUSTAINABLE FOOD MANAGEMENT GRANTS. (1) The  
31 department, through the center, must develop and administer grant  
32 programs to support activities that reduce emissions from landfills  
33 and waste-to-energy facilities through the diversion of organic  
34 materials and food waste prevention, rescue, and recovery. The  
35 department must seek stakeholder input in the design, criteria, and  
36 logistics associated with each grant program. The department must  
37 allocate grant funding across the eligible categories specified in  
38 subsection (2) of this section in a manner consistent with

1 legislative appropriations, and that achieves the following  
2 priorities:

3 (a) Maximizing greenhouse gas emission reductions;

4 (b) Eliminating barriers to the rescue and consumption of edible  
5 food that would otherwise be wasted;

6 (c) Developing stable funding programs for the department to  
7 administer and stable funding opportunities for potential fund  
8 recipients to be aware of; and

9 (d) Preferences the following management options, in order of  
10 most preferred to least preferred:

11 (i) Prevents wasted food;

12 (ii) Donates or upcycles food;

13 (iii) Feeds animals or leaves food unharvested;

14 (iv) Composts or anaerobically digests materials with beneficial  
15 use of the compost, digestate, or biosolids;

16 (v) Anaerobically digests materials with the disposal of  
17 digestate or biosolids, or applies material to the land;

18 (vi) Sends materials down the drain, to landfills, or incinerates  
19 material, with or without accompanying energy recovery.

20 (2) Subject to the availability of amounts appropriated for this  
21 specific purpose, grants under this section may be awarded to the  
22 following categories of activities:

23 (a) Projects to prevent the surplus of unsold, uneaten food from  
24 food businesses or to standardize and improve the operating  
25 procedures associated with food donations, including efforts to  
26 standardize collection bins, provide staff training for food donors  
27 or food rescue organizations, or make other changes to increase the  
28 efficiency or efficacy of food donation procedures. Local  
29 governments, federally recognized Indian tribes and federally  
30 recognized Indian tribal government entities, nonprofit  
31 organizations, and generators of unwanted edible food are eligible  
32 applicants for grants under this subsection. Equipment and  
33 infrastructure purchases, training costs, costs associated with the  
34 development and deployment of operating protocols, and employee staff  
35 time reimbursement are eligible uses of grant funding under this  
36 subsection;

37 (b) (i) Projects to improve and reduce the transportation of  
38 donated foods and management of cold chains across the donated food  
39 supply chain, including through food rescue organizations. Local  
40 governments, federally recognized Indian tribes and federally

1 recognized Indian tribal government entities, nonprofit  
2 organizations, transporters of unwanted edible food, and generators  
3 of unwanted edible food are eligible applicants for grants under this  
4 subsection. Eligible uses of grant funding under this subsection  
5 include the acquisition of vehicles, cold-storage equipment, real  
6 estate, and technology to support donated food storage and  
7 transportation system improvements.

8 (ii) Grants under this subsection (2)(b) may not be used for the  
9 purchase or lease of equipment that relies on a fuel source other  
10 than electricity or the purchase or lease of vehicles other than  
11 zero-emission vehicles;

12 (c)(i) Grant programs to support the establishment and expansion  
13 of wasted food reduction programs to benefit vulnerable communities.  
14 This grant program must be developed in consultation with the  
15 department of health and food policy stakeholders.

16 (ii) Nonprofit organizations, businesses, associations, federally  
17 recognized Indian tribes and federally recognized Indian tribal  
18 government entities, and local governments are eligible to receive  
19 grants under this subsection. Eligible uses of the funds may include  
20 community food hub development projects, cold food storage capacity,  
21 refrigerated transport capacity, convenings to inform innovation in  
22 wasted food reduction in retail and food service establishments, and  
23 pilot projects to reduce wasted food. No more than 20 percent of  
24 funds allocated under this subsection (2)(c) may be awarded to a  
25 single grant recipient; and

26 (d) Food waste tracking and analytics pilot project grants. Local  
27 governments, federally recognized Indian tribes and federally  
28 recognized Indian tribal government entities, nonprofit  
29 organizations, transporters of unwanted edible food, and generators  
30 of unwanted edible food are eligible applicants for grants under this  
31 subsection. Eligible uses of grant funding under this subsection  
32 include staff time and technology to improve food waste prevention or  
33 improve tracking of food donations through the food supply chain and  
34 to provide data useful to enabling more efficient and effective  
35 outcomes for the provision of food available for rescue.

36 (3) The department may establish additional eligibility criteria  
37 or application process requirements beyond those described in  
38 subsection (2) of this section for a category or categories of  
39 activity. The department may, as a condition of the award of a grant

1 under this section, require the reporting of information to the  
2 department regarding the outcomes of the funded activities.

3 (4) The department may award grants to eligible applicants  
4 meeting the minimum qualifying criteria on a competitive basis, or to  
5 applicants on a noncompetitive basis, or both. Within each category  
6 of activity described in subsection (2) of this section, the  
7 department must prioritize grant applications that benefit  
8 overburdened communities as defined in RCW 70A.02.010 as identified  
9 by the department in accordance with RCW 70A.02.050.

10 NEW SECTION. **Sec. 202.** A new section is added to chapter  
11 70A.207 RCW to read as follows:

12 SUSTAINABLE FOOD MANAGEMENT POLICY IMPLEMENTATION GRANTS. (1) The  
13 department, through the center, must develop and administer grant  
14 programs to support the implementation of the requirements of this  
15 act and chapter 180, Laws of 2022, with priority given to grants that  
16 support the implementation of RCW 70A.205.540 and 70A.205.545.  
17 Eligible recipients of grants under this section may include  
18 businesses that are subject to organic material management  
19 requirements, local governments, federally recognized Indian tribes  
20 and federally recognized Indian tribal government entities, nonprofit  
21 organizations, or organic material management facilities. Eligible  
22 expenses by grant recipients include education, outreach, technical  
23 assistance, indoor and outdoor infrastructure, transportation and  
24 processing infrastructure, and enforcement costs.

25 (2) The department may not require, as a condition of financial  
26 assistance under this section, that matching funds be made available  
27 by a local government recipient. The department must provide  
28 assistance to each local government that demonstrates eligibility for  
29 grant assistance under this section.

30 **Sec. 203.** RCW 70A.207.020 and 2022 c 180 s 402 are each amended  
31 to read as follows:

32 CENTER FOR SUSTAINABLE FOOD MANAGEMENT DUTIES. (1) The Washington  
33 center for sustainable food management is established within the  
34 department (~~(, to begin operations by January 1, 2024)~~).

35 (2) The purpose of the center is to help coordinate statewide  
36 food waste reduction.

37 (3) The center may perform the following activities:

38 (a) Coordinate the implementation of the plan;

1 (b) Draft plan updates and measure progress towards actions,  
2 strategies, and the statewide goals established in RCW 70A.205.007  
3 and 70A.205.715(1);

4 (c) Maintain a website with current food waste reduction  
5 information and guidance for food service establishments, consumers,  
6 food processors, hunger relief organizations, and other sources of  
7 food waste;

8 (d) Provide staff support to multistate food waste reduction  
9 initiatives in which the state is participating;

10 (e) Maintain the consistency of the plan and other food waste  
11 reduction activities with the work of the Washington state  
12 conservation commission's food policy forum;

13 (f) Facilitate and coordinate public-private and nonprofit  
14 partnerships focused on food waste reduction, including through  
15 voluntary working groups;

16 (g) Collaborate with federal, state, and local government  
17 partners on food waste reduction initiatives;

18 (h) Develop and maintain maps or lists of locations of the food  
19 systems of Washington that identify food flows, where waste occurs,  
20 and opportunities to prevent food waste;

21 (i)(i) Collect and maintain data on food waste and wasted food in  
22 a manner that is generally consistent with the methods of collecting  
23 and maintaining such data used by federal agencies or in other  
24 jurisdictions, or both, to the greatest extent practicable;

25 (ii) Develop measurement methodologies and tools to uniformly  
26 track food donation data, food waste prevention data, and associated  
27 climate impacts resultant from food waste reduction efforts;

28 (j) Research and develop emerging organic materials and food  
29 waste reduction markets;

30 (k)(i) Develop and maintain statewide food waste reduction and  
31 food waste contamination reduction campaigns, in consultation with  
32 other state agencies and other stakeholders, including the  
33 development of waste prevention and food waste recovery promotional  
34 materials for distribution. These promotional materials may include  
35 online information, newsletters, bulletins, or handouts that inform  
36 food service establishment operators about the protections from civil  
37 and criminal liability under federal law and under RCW 69.80.031 when  
38 donating food; and

39 (ii) Develop guidance to support the distribution of promotional  
40 materials, including distribution by:

1 (A) Local health officers, at no cost to regulated food service  
2 establishments, including as part of normal, routine inspections of  
3 food service establishments; and

4 (B) State agencies, including the department of health and the  
5 department of agriculture, in conjunction with their statutory roles  
6 and responsibilities in regulating, monitoring, and supporting safe  
7 food supply chains and systems;

8 (l) Distribute and monitor grants dedicated to food waste  
9 prevention, rescue, and recovery, which must include the programs  
10 described in sections 201 and 202 of this act; ((and))

11 (m) Provide staff support to the work group created in section  
12 702 of this act; and

13 (n) Research and provide education, outreach, and technical  
14 assistance to local governments in support of the adoption of solid  
15 waste ordinances or policies that establish a financial disincentive  
16 for the generation of organic waste and for the ultimate disposal of  
17 organic materials in landfills.

18 (4) The department may enter into an interagency agreement with  
19 the department of health, the department of agriculture, or other  
20 state agencies as necessary to fulfill the responsibilities of the  
21 center.

22 (5) The department may adopt any rules necessary to implement  
23 this chapter including, but not limited to, measures for the center's  
24 performance.

25 NEW SECTION. Sec. 204. A new section is added to chapter 43.23  
26 RCW to read as follows:

27 WASHINGTON COMMODITIES DONATION GRANT PROGRAM. (1) The department  
28 must implement the Washington commodities donation grant program  
29 established in this section. The purpose of the program is to procure  
30 Washington grown produce, grains, and protein otherwise at risk of  
31 ending up as food waste for distribution to hunger relief  
32 organizations for use in Washington state.

33 (2) The program established in this section must, to the extent  
34 practicable:

35 (a) Rely upon existing infrastructure and similar grant programs  
36 currently being implemented in Washington, in order to maximize the  
37 beneficial impacts of the program in the short-term, and to  
38 expeditiously enable the distribution of grants under this section;



1 (b) Be designed to achieve efficiencies of scale by the grant  
2 recipients carrying out food acquisitions and distributions and to  
3 target large volume food acquisition opportunities;

4 (c) Give priority to recipient organizations that have at least  
5 five years of experience coordinating the collection and  
6 transportation of donated agricultural products to food bank  
7 distributors, food bank distribution centers, or both, for  
8 redistribution to local hunger relief agencies; and

9 (d) Provide for equitable benefits experienced from the program  
10 by food producers of varying sizes and types, including minority and  
11 vulnerable farmers, including veterans, women, and federally  
12 recognized Indian tribes.

13 (3) The department must issue grants under this section to one or  
14 more nonprofit organizations to acquire food directly from food  
15 producers located in Washington. A recipient nonprofit organization  
16 may use funds under this section to compensate food producers  
17 donating commodities for pick and pack out costs incurred associated  
18 with the production of a food product, including costs of food  
19 product inputs and harvest, and for their marginal postharvest  
20 logistical and administrative costs that facilitate the acquisition  
21 and distribution of the food product by grant recipients.

22 (4) An organization that receives funds under this section must  
23 report the results of the project to the department in a manner  
24 prescribed by the department.

25 (5) It is the intent of the legislature to consistently and  
26 sustainably allocate at least \$25,000,000 per biennium, continuing  
27 over multiple biennia, to the program established in this section.

28 **Sec. 205.** RCW 70A.214.100 and 2008 c 178 s 1 are each amended to  
29 read as follows:

30 WASTE NOT WASHINGTON AWARDS. (1) The office of waste reduction  
31 shall develop, in consultation with the superintendent of public  
32 instruction, an awards program to achieve waste reduction and  
33 recycling in public schools, and to encourage waste reduction and  
34 recycling in private schools, grades kindergarten through high  
35 school. The office shall develop guidelines for program development  
36 and implementation. Each public school shall, and each private school  
37 may, implement a waste reduction and recycling program conforming to  
38 guidelines developed by the office.



1 (ii) Nonresidential customers that generate more than .25 cubic  
2 yards per week of organic materials for management; (~~and~~)

3 (b) (i) The department may, by waiver, reduce the collection  
4 frequency requirements in (a) of this subsection for the collection  
5 of dehydrated food waste or to address food waste managed through  
6 other circumstances or technologies that will reduce the volume or  
7 odor, or both, of collected food waste.

8 (ii) All organic solid waste collected from residents and  
9 businesses under (~~(a) of~~) this subsection must be managed through  
10 organic materials management;

11 (c) Beginning April 1, 2030, the source-separated organic solid  
12 waste collection services specified in (a) of this subsection must be  
13 provided to customers on a nonelective basis, except that a  
14 jurisdiction may grant an exemption to a customer that certifies to  
15 the jurisdiction that the customer is managing organic material waste  
16 on-site or self-hauling its own organic material waste for organic  
17 materials management;

18 (d) Beginning April 1, 2030, each jurisdiction's source-separated  
19 organic solid waste collection service must include the acceptance of  
20 food waste year-round. The jurisdiction may choose to collect food  
21 waste source-separated from other organic materials or may collect  
22 food waste commingled with other organic materials; and

23 (e) Beginning April 1, 2030, all persons, when using curbside  
24 collection for disposal, may use only source-separated organic solid  
25 waste collection services to discard unwanted organic materials. By  
26 January 1, 2027, the department must adopt standards under which  
27 local jurisdictions may exempt persons from this requirement if  
28 organic materials will be managed through an alternative mechanism  
29 that provides equal or better environmental outcomes. Nothing in this  
30 section precludes the ability of a person to use on-site composting,  
31 the diversion of organic materials to animal feed, self-haul organic  
32 materials to a facility, or other means of beneficially managing  
33 unwanted organic materials.

34 (2) A jurisdiction may charge and collect fees or rates for the  
35 services provided under subsection (1) of this section, consistent  
36 with the jurisdiction's authority to impose fees and rates under  
37 chapters 35.21, 35A.21, 36.58, and 36.58A RCW.

38 (3) (a) Except as provided in (d) of this subsection, the  
39 requirements of this section do not apply in a jurisdiction if the  
40 department determines that the following apply:

1 (i) The jurisdiction disposed of less than 5,000 tons of solid  
2 waste in the most recent year for which data is available; or

3 (ii) The jurisdiction has a total population of less than 25,000  
4 people (~~or~~

5 ~~(iii) The jurisdiction has a total population between 25,000 and~~  
6 ~~50,000 people and curbside organic solid waste collection services~~  
7 ~~are not offered in any area within the jurisdiction, as of July 1,~~  
8 ~~2022)).~~

9 (b) The requirements of this section do not apply:

10 (i) In census tracts that have a population density of less than  
11 75 people per square mile that are serviced by the jurisdiction and  
12 located in unincorporated portions of a county, as determined by the  
13 department, in counties not planning under chapter 36.70A RCW;  
14 ((and))

15 (ii) In census tracts that have a population density of greater  
16 than 75 people per square mile, where the census tract includes  
17 jurisdictions that meet any of the conditions in (a) (i) and (ii) of  
18 this subsection, that are serviced by the jurisdiction and located in  
19 unincorporated portions of a county, as determined by the department,  
20 in counties not planning under chapter 36.70A RCW;

21 (iii) Outside of urban growth areas designated pursuant to RCW  
22 36.70A.110 in unincorporated portions of a county planning under  
23 chapter 36.70A RCW;

24 (iv) Inside of unincorporated urban growth areas for  
25 jurisdictions planning under chapter 36.70A RCW that meet any of the  
26 conditions in (a) (i) and (ii) of this subsection; and

27 (v) In unincorporated urban growth areas in counties with an  
28 unincorporated population of less than 25,000 people.

29 (c) In addition to the exemptions in (a) and (b) of this  
30 subsection, the department may issue a renewable waiver to  
31 jurisdictions or portions of a jurisdiction under this subsection for  
32 up to five years, based on consideration of factors including the  
33 distance to organic materials management facilities, the sufficiency  
34 of the capacity to manage organic materials at facilities to which  
35 organic materials could feasibly and economically be delivered from  
36 the jurisdiction, and restrictions in the transport of organic  
37 materials under chapter 17.24 RCW. The department may adopt rules to  
38 specify the type of information that a waiver applicant must submit  
39 to the department and to specify the department's process for  
40 reviewing and approving waiver applications.

1 (d) Beginning January 1, 2030, the department may adopt a rule to  
2 require that the provisions of this section apply in the  
3 jurisdictions identified in (b) and (c) of this subsection, but only  
4 if the department determines that the goals established in RCW  
5 70A.205.007(1) have not or will not be achieved.

6 (4) Any city that newly begins implementing an independent solid  
7 waste plan under RCW 70A.205.040 after July 1, 2022, must meet the  
8 requirements of subsection (1) of this section.

9 (5) Nothing in this section affects the authority or duties of  
10 the department of agriculture related to pest and noxious weed  
11 control and quarantine measures under chapter 17.24 RCW.

12 (6) No penalty may be assessed on an individual or resident for  
13 the improper disposal of organic materials under subsection (1) of  
14 this section in a noncommercial or residential setting.

15 **Sec. 302.** RCW 70A.205.545 and 2022 c 180 s 201 are each amended  
16 to read as follows:

17 BUSINESS DIVERSION. (1)(a) Beginning July 1, 2023, and each July  
18 1st thereafter, the department must determine which counties and any  
19 cities preparing independent solid waste management plans:

20 (i) Provide for businesses to be serviced by providers that  
21 collect food waste and organic material waste for delivery to solid  
22 waste facilities that provide for the organic materials management of  
23 organic material waste and food waste; and

24 (ii) Are serviced by solid waste facilities that provide for the  
25 organic materials management of organic material waste and food waste  
26 and have year-round capacity to process and are willing to accept  
27 increased volumes of organic materials deliveries.

28 (b)(i) The department must determine and designate that the  
29 restrictions of this section apply to businesses in a jurisdiction  
30 unless the department determines that the businesses in some or all  
31 portions of the city or county have:

32 (A) No available businesses that collect and deliver organic  
33 materials to solid waste facilities that provide for the organic  
34 materials management of organic material waste and food waste; or

35 (B) No available capacity at the solid waste facilities to which  
36 businesses that collect and deliver organic materials could feasibly  
37 and economically deliver organic materials from the jurisdiction.

38 (ii)(A) In the event that a county or city provides a written  
39 (~~notification~~) request and supporting evidence to the department

1 (~~indicating~~) determining that the criteria of (b)(i)(A) of this  
2 subsection are met, and the department confirms this determination,  
3 then the restrictions of this section apply only in those portions of  
4 the jurisdiction that have available service-providing businesses.

5 (B) In the event that a county or city provides a written  
6 (~~notification~~) request and supporting evidence to the department  
7 (~~indicating~~) determining that the criteria of (b)(i)(B) of this  
8 subsection are met, and the department confirms this determination,  
9 then the restrictions of this section do not apply to the  
10 jurisdiction.

11 (c) The department must make the result of the annual  
12 determinations required under this section available on its website.

13 (d) The requirements of this section may be enforced by  
14 jurisdictional health departments consistent with this chapter,  
15 except that:

16 (i) A jurisdictional health department may not charge a fee to  
17 permit holders to cover the costs of the jurisdictional health  
18 department's administration or enforcement of the requirements of  
19 this section; and

20 (ii) Prior to issuing a penalty under this section, a  
21 jurisdictional health department must provide at least two written  
22 notices of noncompliance with the requirements of this section to the  
23 owner or operator of a business subject to the requirements of this  
24 section.

25 (2)(a)(i) Beginning January 1, 2024, a business that generates at  
26 least eight cubic yards of organic material waste per week must  
27 arrange for organic materials management services specifically for  
28 organic material waste;

29 (ii) Beginning January 1, 2025, a business that generates at  
30 least four cubic yards of organic material waste per week must  
31 arrange for organic materials management services specifically for  
32 organic material waste; and

33 (iii) Beginning January 1, 2026, a business that generates at  
34 least (~~four cubic yards of solid~~) 96 gallons of organic material  
35 waste per week shall arrange for organic materials management  
36 services specifically for organic material waste, unless the  
37 department determines, by rule, that additional reductions in the  
38 landfilling of organic materials would be more appropriately and  
39 effectively achieved, at reasonable cost to regulated businesses,  
40 through the establishment of a different volumetric threshold of

1 (~~solid waste or~~) organic waste material (~~waste~~) than the  
2 threshold of (~~four cubic yards of solid~~) 96 gallons of organic  
3 material waste per week.

4 (b) The following wastes do not count for purposes of determining  
5 waste volumes in (a) of this subsection:

6 (i) Wastes that are managed on-site by the generating business;

7 (ii) Wastes generated from the growth and harvest of food or  
8 fiber that are managed off-site by another business engaged in the  
9 growth and harvest of food or fiber;

10 (iii) Wastes that are managed by a business that enters into a  
11 voluntary agreement to sell or donate organic materials to another  
12 business for off-site use; (~~and~~)

13 (iv) Wastes generated in exceptional volumes as a result of a  
14 natural disaster or other infrequent and unpreventable event; and

15 (v) Wastes generated as a result of a food safety event, such as  
16 a product recall, that is due to foreign material or adverse  
17 biological activity that requires landfill destruction rather than  
18 organic material management.

19 (3) A business may fulfill the requirements of this section by:

20 (a) Source separating organic material waste from other waste,  
21 subscribing to a service that includes organic material waste  
22 collection and organic materials management, and using such a service  
23 for organic material waste generated by the business;

24 (b) Managing its organic material waste on-site or self-hauling  
25 its own organic material waste for organic materials management;

26 (c) Qualifying for exclusion from the requirements of this  
27 section consistent with subsection (1)(b) of this section; or

28 (d) For a business engaged in the growth, harvest, or processing  
29 of food or fiber, entering into a voluntary agreement to sell or  
30 donate organic materials to another business for off-site use.

31 (4)(a) A business generating organic material waste shall arrange  
32 for any services required by this section in a manner that is  
33 consistent with state and local laws and requirements applicable to  
34 the collection, handling, or recycling of solid and organic material  
35 waste.

36 (b) Nothing in this section requires a business to dispose of  
37 materials in a manner that conflicts with federal or state public  
38 health or safety requirements. Nothing in this section requires  
39 businesses to dispose of wastes generated in exceptional volumes as a  
40 result of a natural disaster or other infrequent and unpreventable

1 event through the options established in subsection (3) of this  
2 section. Nothing in this section prohibits a business from disposing  
3 of nonfood organic materials that are not commingled with food waste  
4 by using the services of an organic materials management facility  
5 that does not accept food waste.

6 (5) When arranging for gardening or landscaping services, the  
7 contract or work agreement between a business subject to this section  
8 and a gardening or landscaping service must require that the organic  
9 material waste generated by those services be managed in compliance  
10 with this chapter.

11 (6)(a) This section does not limit the authority of a local  
12 governmental agency to adopt, implement, or enforce a local organic  
13 material waste recycling requirement, or a condition imposed upon a  
14 self-hauler, that is more stringent or comprehensive than the  
15 requirements of this chapter.

16 (b) This section does not modify, limit, or abrogate in any  
17 manner any of the following:

18 (i) A franchise granted or extended by a city, county, city and  
19 county, or other local governmental agency;

20 (ii) A contract, license, certificate, or permit to collect solid  
21 waste previously granted or extended by a city, county, city and  
22 county, or other local governmental agency;

23 (iii) The right of a business to sell or donate its organic  
24 materials; and

25 (iv) A certificate of convenience and necessity issued to a solid  
26 waste collection company under chapter 81.77 RCW.

27 (c) Nothing in this section modifies, limits, or abrogates the  
28 authority of a local jurisdiction with respect to land use, zoning,  
29 or facility siting decisions by or within that local jurisdiction.

30 (d) Nothing in this section changes or limits the authority of  
31 the Washington utilities and transportation commission to regulate  
32 collection of solid waste, including curbside collection of  
33 residential recyclable materials, nor does this section change or  
34 limit the authority of a city or town to provide the service itself  
35 or by contract under RCW 81.77.020.

36 (7) The definitions in this subsection apply throughout this  
37 section unless the context clearly indicates otherwise.

38 (a)(i) "Business" means a commercial or public entity including,  
39 but not limited to, a firm, partnership, proprietorship, joint stock



1 company, corporation, or association that is organized as a for-  
2 profit or nonprofit entity.

3 (ii) "Business" does not include a multifamily residential  
4 entity.

5 (b) "Food waste" has the same meaning as defined in RCW  
6 70A.205.715.

7 NEW SECTION. **Sec. 303.** A new section is added to chapter  
8 70A.205 RCW to read as follows:

9 BIN COLORS. (1) Except as provided in (a) and (b) of this  
10 subsection, the requirements of this section apply to containers  
11 purchased on or after July 1, 2026.

12 (a) A jurisdiction or solid waste collection company is not  
13 required to replace functional containers with a volume of less than  
14 one cubic yard or a plastic container of any size, including  
15 containers purchased prior to July 1, 2026, that do not comply with  
16 the color requirements of this section prior to the end of the useful  
17 life of those containers or prior to January 1, 2036, whichever comes  
18 first.

19 (b) A jurisdiction or solid waste collection company is not  
20 required to replace functional nonplastic containers with a volume of  
21 at least one cubic yard that existed and were in service as of July  
22 1, 2026. However, a functional nonplastic container that existed as  
23 of July 1, 2026, must be repainted in a manner that matches the  
24 appropriate color requirements of this section on the earlier of:

25 (i) When it is next repainted; or

26 (ii) (A) By January 1, 2030, for collection containers owned by a  
27 person other than a jurisdiction that undertakes solid waste  
28 collection; or

29 (B) At the end of the useful life of the container owned by a  
30 jurisdiction that undertakes solid waste collection, or upon the  
31 distribution of sufficient funds under section 202 of this act to the  
32 jurisdiction to cover applicable container repainting costs of the  
33 jurisdiction.

34 (2) In each jurisdiction planning under this chapter, indoor or  
35 outdoor containers provided for collection services, including  
36 multifamily, commercial, government and other public places,  
37 institutional, and curbside residential collection services must be  
38 provided in a color-coded manner consistent with the requirements of  
39 this section in order to reduce contamination:

1 (a) (i) In a jurisdiction where source-separated recyclable  
2 materials and source-separated organic materials are collected  
3 separately, a gray or black container may be used only for the  
4 collection of solid waste that is not a source-separated recyclable  
5 material or a source-separated organic material;

6 (ii) In a jurisdiction where source-separated recyclable  
7 materials or organic materials are not collected separately, a gray  
8 or black container may be used for any solid waste, including organic  
9 material or recyclable material that is not separately collected in  
10 the jurisdiction.

11 (b) A blue container may be used only for source-separated  
12 recyclable materials. The contents of the blue container must be  
13 transported to a facility that recovered the materials designated for  
14 collection in the blue container.

15 (c) A green or brown container may be used only for source-  
16 separated organic materials and must be transported, directly or  
17 indirectly, to an organic materials management facility.

18 (d) A color other than green, brown, blue, black, or gray may be  
19 used only in accordance with any rules adopted by the department.

20 (e) By rule, the department may determine the appropriate  
21 container or containers to be used for materials that could  
22 conceivably be placed in multiple containers specified in (a) through  
23 (d) of this subsection.

24 (f) The color-coding requirements for solid waste collection  
25 containers under this section do not apply to containers with a  
26 volume of at least 10 cubic yards that:

27 (i) Are used on a temporary basis by multiple customers of a  
28 jurisdiction or solid waste collection company; and

29 (ii) Are alternately used for temporary periods for multiple  
30 types of solid waste depending on the specific needs of the customer.

31 (3) By January 1, 2025, all containers for collection services  
32 must bear a clear and conspicuous label on each container or lid  
33 specifying what materials are allowed to be placed in each container.  
34 The requirements of this subsection may be satisfied by:

35 (a) A label placed on a container that includes either language  
36 or graphic images, or both, that indicate the primary materials  
37 accepted and the primary materials prohibited in that container; or

38 (b) Imprinted text or graphic images that indicate the primary  
39 materials accepted and the primary materials prohibited in that  
40 container.

1 (4) The department may provide model labeling text and graphic  
2 images for optional use by local governments and solid waste  
3 collection companies that meets the requirements of this section.

4 (5) A jurisdiction or solid waste collection company may comply  
5 with the requirements of this section by providing a container or  
6 containers that are split or divided into segregated sections,  
7 instead of an entire container, as long as the lids of the separate  
8 sections of a split container comply with the container color  
9 requirements and material limitations specified in this section.

10 (6) Carpets, noncompostable paper, and hazardous wood waste may  
11 not be collected in a green or brown container. Hazardous wood waste  
12 may not be collected in a blue container. The department may adopt  
13 rules to prohibit additional waste stream contaminants from being  
14 placed in a green or brown container or a blue container.

15 (7) The definitions in this subsection apply throughout this  
16 section unless the context clearly requires otherwise.

17 (a) (i) "Blue container" means:

18 (A) A container with a volume of less than one cubic yard where  
19 the body of the container is blue in color and the lid is blue in  
20 color; and

21 (B) A container with a volume of at least one cubic yard where  
22 the body of the container is blue in color and the lid is blue or  
23 black in color.

24 (ii) Hardware, such as hinges and wheels on a blue container, may  
25 be any color.

26 (iii) Unless a local government implementing a solid waste plan  
27 under this chapter requires uniform blue painting of the entire  
28 container, the body of a blue container may contain an area, on one  
29 side of the container, composed of any color measuring no more than  
30 two feet by two feet to display any combination of the name, logo, or  
31 branding of the container owner, solid waste collection company, or  
32 government entity associated with the container.

33 (b) (i) "Green or brown container" means:

34 (A) A container with a volume of less than one cubic yard where  
35 the body of the container is green or brown in color and the lid is  
36 green or brown in color; and

37 (B) A container with a volume of at least one cubic yard where  
38 the body of the container is green or brown in color and the lid is  
39 green, brown, or black in color.

1 (ii) Hardware, such as hinges and wheels on a green or brown  
2 container, may be any color.

3 (iii) Unless a local government implementing a solid waste plan  
4 under this chapter requires uniform green or brown painting of the  
5 entire container, the body of a green or brown container may contain  
6 an area, on one side of the container, composed of any color  
7 measuring no more than two feet by two feet to display any  
8 combination of the name, logo, or branding of the container owner,  
9 solid waste collection company, or government entity associated with  
10 the container.

11 (c) (i) "Gray or black container" means:

12 (A) A container with a volume of less than one cubic yard where  
13 the body of the container is entirely gray or black in color and the  
14 lid is gray or black in color; and

15 (B) A container with a volume of at least one cubic yard where  
16 the body of the container is gray or black in color and the lid is  
17 gray or black in color.

18 (ii) Hardware, such as hinges and wheels, on a gray or black  
19 container may be any color.

20 (iii) Unless a local government implementing a solid waste plan  
21 under this chapter requires uniform gray or black painting of an  
22 entire container, the body of a gray or black container may contain  
23 an area, on one side of the container, composed of any color  
24 measuring no more than two feet by two feet to display any  
25 combination of the name, logo, or branding of the container owner,  
26 solid waste collection company, or government entity associated with  
27 the container.

28 (iv) A galvanized metal container that is unpainted and gray or  
29 silver in appearance is considered to be a gray container for  
30 purposes of this section.

31 **PART 4**

32 **STATUS ASSESSMENT OF PRODUCE STICKER TECHNOLOGIES**

33 NEW SECTION. **Sec. 401.** STATUS ASSESSMENT OF PRODUCE STICKER  
34 TECHNOLOGIES. (1) The department of ecology, in consultation with  
35 the department of agriculture, must carry out a study and submit a  
36 brief summary report to the legislature by September 1, 2025,  
37 addressing the status of produce sticker technologies, including

1 produce sticker options that do not contain plastic stickers or  
2 adhesives or that otherwise meet compostability standards.

3 (2) The study required under this section must, at minimum,  
4 compare and consider the following features of produce stickers and  
5 adhesives:

6 (a) Compostability, including toxic or hazardous substance  
7 content;

8 (b) Performance;

9 (c) Printability; and

10 (d) Cost.

11 (3) In carrying out the study, input and information must be  
12 solicited and evaluated from:

13 (a) Produce producers and packers;

14 (b) Sticker and adhesive producers;

15 (c) Other states, countries, or subnational jurisdictions that  
16 have adopted standards restricting plastic produce stickers; and

17 (d) Other technical experts.

## 18 PART 5

### 19 PRODUCT DEGRADABILITY RESTRICTIONS

20 **Sec. 501.** RCW 70A.455.040 and 2022 c 180 s 803 are each amended  
21 to read as follows:

22 FIBER-BASED SUBSTRATES. (1) A product labeled as "compostable"  
23 that is sold, offered for sale, or distributed for use in Washington  
24 by a producer must:

25 (a) Meet ASTM standard specification D6400;

26 (b) Meet ASTM standard specification D6868; or

27 (c) Be comprised only of wood, which includes renewable wood, or  
28 a fiber-based substrate ((~~only~~)) that contains:

29 (i) Greater than 99 percent fiber by weight; and

30 (ii) No plastic or polymer wax additives or plastic or wax  
31 coatings or adhesives that do not meet ASTM standard specification  
32 D6868.

33 (2) A product described in subsection (1)(a) or (b) of this  
34 section must:

35 (a) Meet labeling requirements established under the United  
36 States federal trade commission's guides; and

37 (b) Feature labeling that:

1 (i) Meets industry standards for being distinguishable upon quick  
2 inspection in both public sorting areas and in processing facilities;

3 (ii) Uses a logo indicating the product has been certified by a  
4 recognized third-party independent verification body as meeting the  
5 ASTM standard specification;

6 (iii) Displays the word "compostable," where possible, indicating  
7 the product has been tested by a recognized third-party independent  
8 body and meets the ASTM standard specification; and

9 (iv) Uses green, beige, or brown labeling, color striping, or  
10 other green, beige, or brown symbols, colors, tinting, marks, or  
11 design patterns that help differentiate compostable items from  
12 noncompostable items.

13 **Sec. 502.** RCW 70A.455.070 and 2022 c 180 s 806 are each amended  
14 to read as follows:

15 FILM TINTING. (1) A producer of plastic film bags sold, offered  
16 for sale, or distributed for use in Washington that does not meet the  
17 applicable ASTM standard specifications provided in RCW 70A.455.050  
18 is:

19 (a) Prohibited from using tinting, color schemes, labeling, or  
20 terms that are required of products that meet the applicable ASTM  
21 standard specifications under RCW 70A.455.050;

22 (b) Discouraged from using labeling, images, and terms that may  
23 reasonably be anticipated to confuse consumers into believing that  
24 noncompostable products are compostable; and

25 (c) Encouraged to use labeling, images, and terms to help  
26 consumers identify noncompostable bags as either: (i) Suitable for  
27 recycling; or (ii) necessary to dispose as waste.

28 (2) A producer of food service products, or plastic film products  
29 other than plastic film bags subject to subsection (1) of this  
30 section, sold, offered for sale, or distributed for use in Washington  
31 that does not meet the applicable ASTM standard specifications  
32 provided in RCW 70A.455.060 is:

33 (a) Prohibited from using labeling, or terms that are required of  
34 products that meet the applicable ASTM standard specifications under  
35 RCW 70A.455.060;

36 (b) Discouraged from using labeling, images, and terms that may  
37 reasonably be anticipated to confuse consumers into believing that  
38 noncompostable products are compostable; and

1 (c) Encouraged to use tinting, coloration, labeling, images, and  
2 terms to help consumers identify film products and food service  
3 packaging as either: (i) Suitable for recycling; or (ii) necessary to  
4 dispose as waste.

5 (3) For the purposes of this section only:

6 (a) "Tinting" means the addition of color to a film, usually by  
7 means of dye or stain, that filters light and makes the film appear a  
8 certain color; and

9 (b)(i) The prohibition in subsection (1)(a) of this section on  
10 "color schemes" on plastic film bags does not preclude the use of:

11 (A) Green, brown, or beige stripes that are smaller than .25 inch  
12 wide and used as visual aids; and

13 (B) Green, brown, or beige lettering or logos that are used  
14 solely for brand identity purposes.

15 (ii) The prohibition in subsection (1)(a) of this section on  
16 color schemes on plastic film bags does prohibit the use of botanical  
17 motifs, such as leaves or vines that are colored green, brown, or  
18 beige, or any combination of these colors or shapes.

19 NEW SECTION. Sec. 503. A new section is added to chapter  
20 70A.455 RCW to read as follows:

21 HOME COMPOSTABLE LABELING. A producer may only label a product as  
22 being "home compostable" if:

23 (1) The product has been tested and meets ASTM standards D6400 or  
24 D6868 for industrial composting settings;

25 (2) A third-party certifier has verified that the product meets  
26 ASTM standards for industrial composting;

27 (3) The product is otherwise labeled in a manner consistent with  
28 the requirements of this chapter, including RCW 70A.455.030,  
29 70A.455.040, or 70A.455.050, as appropriate;

30 (4) The product is not labeled "home compostable only" or in a  
31 manner that otherwise implies that the product is not capable of  
32 being composted in industrial compost settings; and

33 (5) The producer has valid and reproducible scientific evidence  
34 to support their claim that a product is home compostable, consistent  
35 with federal trade commission guidelines.

36 **Sec. 504.** RCW 70A.455.090 and 2022 c 180 s 808 are each amended  
37 to read as follows:

1 CONCURRENT ENFORCEMENT OF DEGRADABILITY LABELING REQUIREMENTS BY  
2 CITIES AND COUNTIES. (1)(a) The department and cities and counties  
3 have concurrent authority to enforce this chapter and to issue and  
4 collect civil penalties for a violation of this chapter, subject to  
5 the conditions in this section and RCW 70A.455.100. An enforcing  
6 government entity may impose a civil penalty in the amount of up to  
7 \$2,000 for the first violation of this chapter, up to \$5,000 for the  
8 second violation of this chapter, and up to \$10,000 for the third and  
9 any subsequent violation of this chapter. If a producer has paid a  
10 prior penalty for the same violation to a different government entity  
11 with enforcement authority under this subsection, the penalty imposed  
12 by a government entity is reduced by the amount of the payment.

13 (b) The enforcement of this chapter must be based primarily on  
14 complaints filed with the department and cities and counties. The  
15 department must establish a forum for the filing of complaints.  
16 Cities, counties, or any person may file complaints with the  
17 department using the forum, and cities and counties may review  
18 complaints filed with the department via the forum. The forum  
19 established by the department may include a complaint form on the  
20 department's website, a telephone hotline, or a public outreach  
21 strategy relying upon electronic social media to receive complaints  
22 that allege violations. The department, in collaboration with the  
23 cities and counties, must provide education and outreach activities  
24 to inform retail establishments, consumers, and producers about the  
25 requirements of this chapter.

26 (c) A city or county that chooses to enforce the requirements of  
27 this chapter within their jurisdiction must notify the department  
28 with a letter of intent that includes:

29 (i) The start and any end date of the local jurisdiction's  
30 enforcement activities;

31 (ii) The geographic boundaries within which the enforcement  
32 activities are planned; and

33 (iii) Any technical assistance, education, or enforcement tools  
34 that the city or county would like to request from the department in  
35 support of local enforcement activities.

36 (2) Penalties issued by the department are appealable to the  
37 pollution control hearings board established in chapter 43.21B RCW.

38 (3) The remedies provided by this section are not exclusive and  
39 are in addition to the remedies that may be available pursuant to  
40 chapter 19.86 RCW or other consumer protection laws, if applicable.



1 (4) In addition to penalties recovered under this section, the  
2 enforcing city or county may recover reasonable enforcement costs and  
3 attorneys' fees from the liable producer.

4 **PART 6**  
5 **COMPOST PURCHASES**

6 **Sec. 601.** RCW 15.04.420 and 2022 c 180 s 502 are each amended to  
7 read as follows:

8 COMPOST REIMBURSEMENT PROGRAM ELIGIBILITY AMENDMENT. (1)(a)  
9 Subject to the availability of amounts appropriated for this specific  
10 purpose, the department must establish and implement a compost  
11 reimbursement program to reimburse farming operations in the state  
12 for purchasing and using compost products that were not generated by  
13 the farming operation, including transportation, spreading equipment,  
14 labor, fuel, and maintenance costs associated with spreading  
15 equipment. The grant reimbursements under the program begin July 1,  
16 2023.

17 (b) For the purposes of this program, "farming operation" means:  
18 A commercial agricultural, silvicultural, or aquacultural facility or  
19 pursuit, including the care and production of livestock and livestock  
20 products, poultry and poultry products, apiary products, and plant  
21 and animal production for nonfood uses; the planting, cultivating,  
22 harvesting, and processing of crops; and the farming or ranching of  
23 any plant or animal species in a controlled salt, brackish, or  
24 freshwater environment.

25 (2) To be eligible to participate in the reimbursement program, a  
26 farming operation must complete an eligibility review with the  
27 department prior to transporting or applying any compost products for  
28 which reimbursement is sought under this section. The purpose of the  
29 review is for the department to ensure that the proposed transport  
30 and application of compost products is consistent with the  
31 department's agricultural pest control rules established under  
32 chapter 17.24 RCW. A farming operation must also verify that it will  
33 allow soil sampling to be conducted by the department upon request  
34 before compost application and until at least 10 years after the last  
35 grant funding is used by the farming operation, as necessary to  
36 establish a baseline of soil quality and carbon storage and for  
37 subsequent department evaluations to assist the department's  
38 reporting requirements under subsection (8) of this section.

1 (3) The department must create a form for eligible farming  
2 operations to apply for cost reimbursement for costs from purchasing  
3 and using compost from facilities with solid waste handling permits  
4 or that are permit exempt, including transportation, equipment,  
5 spreading, and labor costs. Compost must meet the applicable  
6 requirements for compost established by the department of ecology  
7 under chapter 70A.205 RCW. The department must prioritize applicants  
8 who purchase and use compost containing food waste feedstocks, where  
9 it is practicable for the applicant to purchase and use compost  
10 containing food waste feedstocks. All applications for cost  
11 reimbursement must be submitted on the form along with invoices,  
12 receipts, or other documentation acceptable to the department of the  
13 costs of purchasing and using compost products for which the  
14 applicant is requesting reimbursement, as well as a brief description  
15 of what each purchased item will be used for. The department may  
16 request that an applicant provide information to verify the source,  
17 size, sale weight, or amount of compost products purchased and the  
18 cost of transportation, equipment, spreading, and labor. The  
19 applicant must also declare that it is not seeking reimbursement for  
20 purchase or labor costs for:

21 (a) Its own compost products; or

22 (b) Compost products that it has transferred, or intends to  
23 transfer, to another individual or entity, whether or not for  
24 compensation.

25 (4) A farming operation may submit only one application per  
26 fiscal year in which the program is in effect for purchases made and  
27 usage costs incurred during the fiscal year that begins on July 1st  
28 and ends on June 30th. Applications for reimbursement must be filed  
29 before the end of the fiscal year in which purchases were made and  
30 usage costs incurred.

31 (5) The department must distribute reimbursement funds, subject  
32 to the following limitations:

33 (a) A farming operation is not eligible to receive reimbursement  
34 if the farming operation's application was not found eligible for  
35 reimbursement by the department under subsection (2) of this section  
36 prior to the transport or use of compost;

37 (b) A farming operation is not eligible to receive reimbursement  
38 for more than 50 percent of the costs it incurs each fiscal year for  
39 the purchase and use of compost products, including transportation,  
40 equipment, spreading, and labor costs;

1 (c) (~~A farming operation is not eligible to receive more than~~  
2 ~~\$10,000 per fiscal year~~) The department must attempt to achieve fair  
3 distribution of reimbursement funding across different farm size  
4 categories, based on acreage categories determined by the department,  
5 and which is not to exceed a maximum of \$20,000 per fiscal year for  
6 the largest farming operation category determined by the department;

7 (d) A farming operation is not eligible to receive reimbursement  
8 for its own compost products or compost products that it has  
9 transferred, or intends to transfer, to another individual or entity,  
10 whether or not for compensation; and

11 (e) A farming operation is not eligible to receive reimbursement  
12 for compost products that were not purchased from a facility with a  
13 solid waste handling permit or a permit-exempt facility.

14 (6) The applicant shall indemnify and hold harmless the state and  
15 its officers, agents, and employees from all claims arising out of or  
16 resulting from the compost products purchased that are subject to the  
17 compost reimbursement program under this section.

18 (7) There is established within the department a compost  
19 reimbursement program manager position. The compost reimbursement  
20 program manager must possess knowledge and expertise in the area of  
21 program management necessary to carry out the duties of the position,  
22 which are to:

23 (a) Facilitate the division and distribution of available costs  
24 for reimbursement; and

25 (b) Manage the day-to-day coordination of the compost  
26 reimbursement program.

27 (8) In compliance with RCW 43.01.036, the department must submit  
28 an annual report to the appropriate committees of the legislature by  
29 January 15th of each year of the program in which grants have been  
30 issued or completed. The report must include:

31 (a) The amount of compost for which reimbursement was sought  
32 under the program;

33 (b) The qualitative or quantitative effects of the program on  
34 soil quality and carbon storage; and

35 (c) A periodically updated evaluation of the benefits and costs  
36 to the state of expanding or furthering the strategies promoted in  
37 the program.

38 **Sec. 602.** RCW 43.19A.150 and 2022 c 180 s 701 are each amended  
39 to read as follows:

1 COMPOST PROCUREMENT REPORTING AMENDMENT. (1) By January 1, 2023,  
2 the following cities or counties shall adopt a compost procurement  
3 ordinance to implement RCW 43.19A.120:

4 (a) Each city or county with a population greater than 25,000  
5 residents as measured by the office of financial management using the  
6 most recent population data available; and

7 (b) Each city or county in which organic material collection  
8 services are provided under chapter 70A.205 RCW.

9 (2) A city or county that newly exceeds a population of 25,000  
10 residents after January 1, 2023, as measured by the office of  
11 financial management, must adopt an ordinance under this subsection  
12 no later than 12 months after the office of financial management's  
13 determination that the local government's population has exceeded  
14 25,000.

15 (3) In developing a compost procurement ordinance, each city and  
16 county shall plan for the use of compost in the following categories:

17 (a) Landscaping projects;

18 (b) Construction and postconstruction soil amendments;

19 (c) Applications to prevent erosion, filter stormwater runoff,  
20 promote vegetation growth, or improve the stability and longevity of  
21 roadways; and

22 (d) Low-impact development and green infrastructure to filter  
23 pollutants or keep water on-site, or both.

24 (4) Each city or county that adopts an ordinance under subsection  
25 (1) or (2) of this section must develop strategies to inform  
26 residents about the value of compost and how the jurisdiction uses  
27 compost in its operations in the jurisdiction's comprehensive solid  
28 waste management plan pursuant to RCW 70A.205.045.

29 (5) By ~~((December))~~ March 31, ~~((2024))~~ 2025, and each  
30 ~~((December))~~ March 31st ~~((of even-numbered years))~~ thereafter, each  
31 city or county that adopts an ordinance under subsection (1) or (2)  
32 of this section must submit a report covering the previous year's  
33 compost procurement activities to the department of ecology that  
34 contains the following information:

35 (a) The total tons of organic material diverted throughout the  
36 year and the facility or facilities used for processing;

37 (b) The volume and cost of compost purchased throughout the year;  
38 and

39 (c) The source or sources of the compost.

1 (6) Cities and counties that are required to adopt an ordinance  
2 under subsection (1) or (2) of this section shall give priority to  
3 purchasing compost products from companies that produce compost  
4 products locally, are certified by a nationally recognized  
5 organization, and produce compost products that are derived from  
6 municipal solid waste compost programs and meet quality standards  
7 comparable to standards adopted by the department of transportation  
8 or adopted by rule by the department of ecology.

9 (7) Cities and counties may enter into collective purchasing  
10 agreements if doing so is more cost-effective or efficient.

11 (8) Nothing in this section requires a compost processor to:

12 (a) Enter into a purchasing agreement with a city or county;

13 (b) Sell finished compost to meet this requirement; or

14 (c) Accept or process food waste or compostable products.

15 **PART 7**

16 **MISCELLANEOUS**

17 NEW SECTION. **Sec. 701.** A new section is added to chapter 19.27  
18 RCW to read as follows:

19 STATE BUILDING CODE COUNCIL AMENDMENT. The governing body of each  
20 county or city is authorized to amend requirements in the state  
21 building code, as it applies within the jurisdiction of the county or  
22 city, that apply to providing for the storage of solid waste by  
23 requiring multifamily residential buildings to:

24 (1) Provide adequate space for the colocation of organic material  
25 waste and recycling collection containers with garbage containers, or  
26 in the absence of colocation, requiring the posting of signage  
27 notifying residents of where organic material waste and recycling  
28 containers are located;

29 (2) Identify organic material waste collection containers with  
30 appropriate and accurate signage and color to differentiate between  
31 organic material waste, recycling, and garbage collection containers;  
32 and

33 (3) Distribute annual waste sorting educational materials to all  
34 residents.

35 NEW SECTION. **Sec. 702.** WORK GROUP TO STUDY FOOD DONATION BY  
36 BUSINESSES. (1) The department of ecology's center for sustainable  
37 food management created in chapter 70A.207 RCW must convene a work

1 group to address mechanisms to improve the rescue of edible food  
2 waste from commercial generators, including food service, retail  
3 establishments, and processors that generate excess supply of edible  
4 food. The work group must consider:

5 (a) Logistics to phase in edible food donation programs,  
6 including incentives;

7 (b) The food recovery network systems necessary to support  
8 increased donation of edible food by commercial generators;

9 (c) Assess asset gaps and food infrastructure development needs.  
10 The work group must also facilitate the creation of networks and  
11 partnerships to address gaps and needs and develop innovative  
12 partnerships and models where appropriate; and

13 (d) Actions taken, costs, and lessons learned by other  
14 jurisdictions in the United States that have enacted policies focused  
15 on reducing edible commercially generated food waste and from  
16 voluntary pilot projects carried out by commercial generators of food  
17 waste.

18 (2) The department of ecology must submit a report to the  
19 legislature by September 1, 2025, containing the recommendations of  
20 the work group. The work group shall make recommendations using  
21 consensus-based decision making. All meetings of the work group must  
22 be carried out in a virtual-only format. The report must include  
23 recommendations where general stakeholder consensus has been achieved  
24 and note varied opinions where stakeholder consensus has not been  
25 achieved.

26 (3) The department of ecology must select at least one member to  
27 the work group from each of the following:

28 (a) Cities, including both small and large cities and cities  
29 located in urban and rural counties, which may be represented by an  
30 association that represents cities in Washington;

31 (b) Counties, including both small and large counties and urban  
32 and rural counties, which may be represented by an association that  
33 represents county solid waste managers in Washington;

34 (c) An environmental nonprofit organization that specializes in  
35 waste and recycling issues;

36 (d) A statewide organization representing hospitality businesses;

37 (e) A retail grocery association;

38 (f) The department of ecology;

39 (g) Two different nonprofit organizations that specialize in food  
40 recovery and hunger issues;

- 1 (h) Three different hunger relief organizations that represent  
2 diverse needs from throughout the state;
- 3 (i) The department of agriculture;
- 4 (j) The office of the superintendent of public instruction;
- 5 (k) The department of health;
- 6 (l) One large and one small food distribution company;
- 7 (m) An organization representing food processors;
- 8 (n) An organization representing food producers;
- 9 (o) A technology company currently focused on food rescue in  
10 Washington; and
- 11 (p) Two open seats for appointed members of the work group to  
12 nominate for department of ecology appointment if gaps in membership  
13 are identified.

14 NEW SECTION. **Sec. 703.** SEVERABILITY CLAUSE. If any provision of  
15 this act or its application to any person or circumstance is held  
16 invalid, the remainder of the act or the application of the provision  
17 to other persons or circumstances is not affected.

18 NEW SECTION. **Sec. 704.** If specific funding for the purposes of  
19 this act, referencing this act by bill or chapter number, is not  
20 provided by June 30, 2024, in the omnibus appropriations act, this  
21 act is null and void.

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