

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 1033

68th Legislature
2023 Regular Session

Passed by the House April 14, 2023
Yeas 92 Nays 4

**Speaker of the House of
Representatives**

Passed by the Senate April 12, 2023
Yeas 48 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 1033** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 1033

AS AMENDED BY THE SENATE

Passed Legislature - 2023 Regular Session

State of Washington 68th Legislature 2023 Regular Session

By House Environment & Energy (originally sponsored by Representatives Walen, Ryu, Reed, Fitzgibbon, Pollet, Callan, Doglio, Macri, Gregerson, Davis, Santos, Ormsby, and Fosse)

READ FIRST TIME 01/30/23.

1 AN ACT Relating to evaluating compostable product usage in
2 Washington; adding a new section to chapter 70A.205 RCW; and
3 providing an expiration date.

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

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

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

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

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

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

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

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

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

14 (e) The status of acceptance of compostable products by organic
15 materials management facilities in Washington, including
16 consideration of organic certifications;

17 (f) Estimates of the percentage of compostable products used in
18 Washington that are disposed of at organic materials management
19 facilities;

20 (g) Financial incentives for organic materials management
21 facilities accepting compostable products;

22 (h) Current laws related to compostable products and the
23 enforcement of these laws;

24 (i) Any work product from other contemporaneous stakeholder
25 advisory committees currently discussing similar topics in other
26 jurisdictions or nationwide; and

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

29 (3) The facilitator selected in subsection (1) of this section
30 must:

31 (a) Hire subcontractors, as needed, for the research of any
32 relevant information regarding issues associated with compostable
33 products and the management of compostable materials in composting
34 and other organic materials management facilities;

35 (b) Provide staff and support to the stakeholder advisory
36 committee meetings; and

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

39 (4) The facilitator shall submit a report to the legislature by
40 September 15, 2024, containing the recommendations of the stakeholder

1 advisory committee after review and approval by the facilitator and
2 committee. The department and its hired facilitator must convene the
3 first stakeholder meeting by September 15, 2023, and must convene
4 meetings at least monthly thereafter through January, on a schedule
5 developed in consultation with the stakeholders serving on the
6 advisory committee. All meetings of the stakeholder advisory
7 committee must be held in a virtual format. The stakeholder advisory
8 committee shall make recommendations using consensus-based decision
9 making. The report must include recommendations where general
10 stakeholder consensus has been achieved and note dissenting opinions
11 where stakeholder consensus has not been achieved.

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

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

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

20 (c) Municipal collectors or companies that provide curbside
21 organic materials management services under a municipal contract
22 under RCW 35.21.120;

23 (d) A solid waste collection company regulated under chapter
24 81.77 RCW that provides curbside organic materials collection
25 services;

26 (e) Three organic materials management facility operators,
27 including at least one operator of a facility that does not currently
28 accept compostable food service products and one operator of a
29 facility that does currently accept such products;

30 (f) A representative from an environmental nonprofit organization
31 that specializes in waste and recycling issues;

32 (g) Two manufacturers of compostable products, including at least
33 one manufacturer of compostable food service products and one
34 manufacturer of compostable plastic food service products;

35 (h) One distributor of compostable food service products;

36 (i) A statewide general business trade association;

37 (j) A representative from a retail grocery association;

38 (k) Two organizations that act as third-party certifiers of
39 compostable products;

40 (l) The department of agriculture;

1 (m) Two associations focused on organic materials recycling or
2 composting; and

3 (n) A statewide organization representing hospitality businesses.

4 (6) In addition to the members selected under subsection (5) of
5 this section, the director must invite participation on the
6 stakeholder advisory committee from any federally recognized Indian
7 tribe that expresses interest in participation to the department
8 prior to September 1, 2023.

9 (7) This section expires July 1, 2028.

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