

**SHB 2301 - H AMD 2197**

By Representative Peterson

**NOT CONSIDERED 03/12/2026**

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

3 **"Sec. 1.** RCW 70A.515.010 and 2019 c 344 s 1 are each amended to  
4 read as follows:

5 The legislature finds that:

6 (1) Leftover (~~((architectural paints))~~) paint products are a waste  
7 management issue and present environmental risks and health and  
8 safety risks, especially to workers in the solid waste industry.  
9 During waste collection and processing, wet paint can create spills  
10 and splashes and oil paint containers may rupture, releasing fumes  
11 hazardous to workers and the remaining liquids may contribute to  
12 leachate problems in landfills. Some local governments are able to  
13 devote resources to provide collection sites or events for latex  
14 paint in order to provide their residents with at least some disposal  
15 options and to keep latex paint out of the solid waste stream. But  
16 residents and small businesses need additional and more convenient  
17 options for disposal of (~~((architectural))~~) paint products. Drying  
18 latex for disposal is difficult for many residents and is wasteful of  
19 latex paint that can otherwise be reused or recycled. Local  
20 government special and moderate-risk waste collection programs are  
21 heavily impacted by the cost of managing unwanted (~~((architectural~~  
22 ~~paints))~~) paint products and these costs decrease the available funds  
23 to address other hazardous and hard-to-handle materials.

24 (2) Nationally, an estimated average of (~~((ten))~~) 10 percent of  
25 architectural paint purchased becomes leftover paint. Current  
26 programs only collect a fraction of the potential leftover paint for  
27 proper reuse, recycling, or disposal. There is not a comprehensive  
28 statewide, end-of-life management plan for (~~((architectural))~~) paint  
29 products, resulting in significant missed opportunities to reduce,  
30 reuse, and recycle paint.

31 (3) (a) It is in the best interest of Washington for paint  
32 manufacturers to assume responsibility for the development and

1 implementation of a cost-effective paint product stewardship program  
2 that:

3 (i) Develops and implements strategies to reduce the generation  
4 of leftover paint products;

5 (ii) Promotes the reuse of leftover paint products;

6 (iii) Collects, transports, and processes leftover paint products  
7 for end-of-life management, including reuse, recycling, energy  
8 recovery, and disposal; and

9 (iv) Provides for transparency under chapter 42.56 RCW, the  
10 public records act.

11 (b) A paint product stewardship program will follow the paint  
12 waste management hierarchy for managing and reducing leftover paint  
13 products in the order as follows:

14 (i) Reduce consumer generation of leftover paint products;

15 (ii) Reuse;

16 (iii) Recycle; and

17 (iv) Provide for energy recovery and disposal.

18 (c) The establishment of a comprehensive leftover paint product  
19 management program that requires paint product manufacturers to  
20 assume responsibility for the collection, recycling, reuse,  
21 transportation, and disposal of leftover paint products, and that  
22 allows paint retailers to voluntarily participate in the collection  
23 of leftover paint products, will provide more opportunities for  
24 consumers to properly manage their leftover paint products, provide  
25 fiscal relief for local government in managing leftover paint  
26 products, keep paint products out of the waste stream, and conserve  
27 natural resources.

28 (4) (~~The legislature further finds that~~) Washington's existing  
29 waste collection, recycling, and disposal system leads the nation in  
30 innovation and environmentally sound practices. This system has  
31 achieved some of the highest overall recycling rates in the nation at  
32 (~~fifty-one~~) 51 percent in 2012. The legislature further finds that  
33 leftover paint products may be a toxic and hard-to-handle waste  
34 product that is appropriate for a product stewardship program to  
35 increase the safe, convenient, and effective reuse, recycling, and  
36 disposal of leftover paint. Product stewardship programs for toxic  
37 and hard-to-handle materials, including (~~an architectural~~) a paint  
38 product stewardship program, should integrate with and complement the  
39 existing waste collection, recycling, and disposal system.

1 (5) This chapter creates ((an architectural)) a paint product  
2 stewardship program to be enforced by the department.

3 **Sec. 2.** RCW 70A.515.020 and 2020 c 20 s 1458 are each amended to  
4 read as follows:

5 The definitions in this section apply throughout this chapter  
6 unless the content clearly requires otherwise.

7 (1) "Aerosol coating product" means a pressurized coating product  
8 containing pigments or resins dispensed by means of a propellant and  
9 packaged and sold in a disposable aerosol container for handheld  
10 application, or for use in specialized equipment for ground traffic  
11 or marking applications.

12 (2)(a) "Architectural paint" ((or "paint")) means interior and  
13 exterior architectural coatings, sold in a container of five gallons  
14 or less.

15 (b) "Architectural paint" ((or "paint")) does not mean industrial  
16 coatings, original equipment coatings, or specialty coatings.

17 ((~~(2) "Architectural paint stewardship assessment" or~~  
18 ~~"assessment" means the amount determined by a stewardship~~  
19 ~~organization that must be added to the purchase price of~~  
20 ~~architectural paint sold in this state to cover a stewardship~~  
21 ~~organization's costs of administration, education and outreach,~~  
22 ~~collecting, transporting, and processing of the leftover~~  
23 ~~architectural paint managed through a statewide architectural paint~~  
24 ~~stewardship program.~~))

25 (3) ((~~"Conditionally exempt small quantity generator" means a~~  
26 ~~dangerous waste generator whose dangerous wastes are not subject to~~  
27 ~~regulation under chapter 70A.300 RCW, hazardous waste management,~~  
28 ~~solely because the waste is generated or accumulated in quantities~~  
29 ~~below the threshold for regulation and meets the conditions~~  
30 ~~prescribed in WAC 173-303-171(1), as it existed on July 28, 2019.~~))

31 ((~~(4) "Conditionally exempt small quantity generator waste" means~~  
32 ~~dangerous waste generated by a conditionally exempt small quantity~~  
33 ~~generator.~~))

34 ((~~(5)~~)) (a) "Coating-related product" means a product used as a  
35 paint thinner, paint colorant, paint additive, paint remover,  
36 sealant, surface preparation, or surface adhesive, sold for home  
37 improvement in a container of five gallons or less for commercial and  
38 homeowner use.

1 (b) "Coating-related product" does not mean industrial products  
2 or original equipment products.

3 (4) "Consumer" includes any household, nonprofit, small business,  
4 or other entity whose leftover paint product is eligible under  
5 applicable laws and regulations.

6 ~~((+6))~~ (5) "Covered entity" means any: (a) Household; or (b)  
7 ~~((conditionally exempt))~~ small quantity generator of leftover (~~oil-~~  
8 ~~based and latex architectural)) paint products; or (c) generator of  
9 dangerous waste as defined in RCW 70A.300.010 that brings leftover  
10 ~~((architectural))~~ latex paint to a paint program collection site  
11 operating under an approved Washington state paint stewardship plan.~~

12 ~~((+7))~~ (6) "Curbside service" means a waste collection,  
13 recycling, and disposal service providing pickup of leftover  
14 ~~((architectural))~~ paint products from residential sources, such as  
15 single-family households and multifamily housing, or other covered  
16 entities in quantities generated from households or (~~conditionally~~  
17 ~~exempt))~~ small quantity generators, provided by a solid waste  
18 collection company regulated under chapter 81.77 RCW or under a  
19 contract for solid waste services with any city or town.

20 ~~((+8))~~ (7) "Department" means the department of ecology.

21 ~~((+9))~~ (8) "Distributor" means a person that has a contractual  
22 relationship with one or more manufacturers to market and sell  
23 ~~((architectural))~~ paint products to retailers in Washington.

24 ~~((+10))~~ (9) "End-of-life" or "end-of-life management" means  
25 activities including, but not limited to, collection, transportation,  
26 reuse, recycling, energy recovery, and disposal for leftover  
27 ~~((architectural))~~ paint products.

28 ~~((+11))~~ (10) "Energy recovery" means the recovery of energy in a  
29 useable form from mass burning or refuse-derived fuel incineration,  
30 pyrolysis, or any other means of using the heat of combustion of  
31 solid waste that involves high temperature (above (~~twelve hundred~~)  
32 1,200 degrees Fahrenheit) processing.

33 ~~((+12))~~ (11) "Environmentally sound management practices" means  
34 practices that comply with all applicable laws and rules to protect  
35 workers, public health, and the environment, provide for adequate  
36 recordkeeping, tracking and documenting the fate of materials within  
37 the state and beyond, and include environmental liability coverage  
38 for the stewardship organization.

39 ~~((+13))~~ (12) "Final disposition" means the point beyond which no  
40 further processing takes place and the paint product has been

1 transformed for direct use as a feedstock in producing new products  
2 or is disposed of, including for energy recovery, in permitted  
3 facilities.

4 ~~((14))~~ (13) "Household hazardous waste" means waste that  
5 exhibits any of the properties of dangerous waste that is exempt from  
6 regulation under chapter 70A.300 RCW solely because the waste is  
7 generated by households. Household hazardous waste may also include  
8 other solid waste identified in the local hazardous waste management  
9 plan prepared pursuant to chapter 70A.300 RCW.

10 ~~((15))~~ (14) "Leftover paint" or "leftover ~~((architectural))~~  
11 paint products" means ~~((architectural))~~ paint products not used and  
12 no longer wanted by a consumer.

13 ~~((16))~~ (15) "Moderate risk waste" means solid waste that is  
14 limited to ~~((conditionally exempt))~~ small quantity generator waste  
15 and household hazardous waste as defined in this chapter.

16 ~~((17))~~ (16) "Moderate risk waste collection infrastructure"  
17 means all allowable permitted and conditionally permit exempt  
18 facilities, activities, and locations under WAC 173-350-360, as it  
19 existed as of January 1, 2026.

20 (17)(a) "Nonindustrial coating" means arts and crafts paint,  
21 automotive refinish paint, driveway sealer, faux finish or glaze,  
22 furniture oil, furniture paint, lime wash, lime paint, marine paint,  
23 antifouling paint, road and traffic marking paint, two-component  
24 paint, fire retardant paint, dry fog paint, chalkboard paint, and  
25 conductive paint, sold in a container of five gallons or less for  
26 commercial and homeowner use.

27 (b) "Nonindustrial coating" does not mean industrial coatings or  
28 original equipment coatings.

29 (18)(a) "Paint product" or "paint" means the following products  
30 and their associated packaging, except as provided in (b) of this  
31 subsection:

- 32 (i) Aerosol coating products;
- 33 (ii) Architectural paint;
- 34 (iii) Coating-related products; and
- 35 (iv) Nonindustrial coatings.

36 (b) "Paint product" does not include a health and beauty product.

37 (19) "Paint product stewardship assessment" or "assessment" means  
38 the amount determined by a stewardship organization that must be  
39 added to the purchase price of paint products sold in this state to  
40 cover a stewardship organization's costs of administration, education

1 and outreach, collecting, transporting, and processing of the  
2 leftover paint products managed through a statewide paint product  
3 stewardship program.

4 (20) "Paint retailer" means any person that offers  
5 ((architectural)) paint products for sale at retail in Washington.

6 ((+18)) (21) "Person" includes any individual, business,  
7 manufacturer, transporter, collector, processor, retailer, charity,  
8 nonprofit organization, or government agency.

9 ((+19)) (22) "Producer" means a manufacturer of  
10 ((architectural)) paint products that ((is)) are sold, offered for  
11 sale, or distributed in Washington under the producer's own name or  
12 other brand name.

13 ((+20)) (23) "Recycling" means transforming or remanufacturing  
14 waste materials into usable or marketable materials for use other  
15 than landfill disposal, energy recovery, or incineration. Recycling  
16 does not include collection, compacting, repacking, and sorting for  
17 the purpose of transport.

18 ((+21)) (24) "Reuse" means any operation by which ((an  
19 architectural)) a paint product changes ownership and is used for the  
20 same purpose for which it was originally purchased.

21 ((+22)) (25) "Sell" or "sale" means any transfer of title for  
22 consideration, including remote sales conducted through sales  
23 outlets, catalogues, or the internet or any other similar electronic  
24 means.

25 ((+23)) (26) "Small quantity generator" means a dangerous waste  
26 generator whose dangerous wastes are not subject to full regulation  
27 under chapter 70A.300 RCW, hazardous waste management, solely because  
28 the waste is generated or accumulated in quantities below the  
29 threshold for regulation and meets the conditions prescribed in WAC  
30 173-303-171(1), as it existed on July 28, 2019.

31 (27) "Small quantity generator waste" means dangerous waste  
32 generated by a small quantity generator.

33 (28) "Stewardship organization" means a nonprofit organization  
34 created by a producer or group of producers to implement a paint  
35 stewardship program required under this chapter.

36 ((+24) "Urban cluster" means areas of population density of two  
37 thousand five hundred to fifty thousand, as defined by the United  
38 States census bureau.

39 (25) "Urbanized area" means areas of high population density with  
40 populations of fifty thousand or greater, as defined by the United

1 ~~States census bureau)) (29) "Urban area" means an area delineated by~~  
2 ~~the United States census bureau, based on a minimum threshold of~~  
3 ~~2,000 housing units or 5,000 people, as of January 1, 2026.~~

4 **Sec. 3.** RCW 70A.515.030 and 2019 c 344 s 3 are each amended to  
5 read as follows:

6 (1) All producers of (~~architectural~~) paint products selling in  
7 or into the state of Washington shall participate in an approved  
8 Washington state paint stewardship plan for covered entities through  
9 membership in and appropriate funding of a stewardship organization.

10 (2) Producers not participating in a stewardship plan may not  
11 sell (~~architectural~~) paint products in or into Washington state.

12 (3) Paint retailers are prohibited from selling (~~architectural~~)  
13 paint products manufactured or distributed by a producer not in  
14 compliance with this chapter.

15 (4) The requirements of this section apply to paint products  
16 other than architectural paint beginning on the date that an updated  
17 plan addressing all paint products has been approved by the  
18 department and is implemented by a stewardship organization under RCW  
19 70A.515.050(3).

20 **Sec. 4.** RCW 70A.515.040 and 2020 c 20 s 1459 are each amended to  
21 read as follows:

22 (1) A stewardship organization representing producers shall  
23 submit a plan for the implementation of a paint product stewardship  
24 program to the department for approval by May 30, 2020, or within one  
25 year of July 28, 2019, whichever comes later. Each paint product  
26 stewardship organization must update its plan to address all paint  
27 products within 12 months of the effective date of rules adopted by  
28 the department. The plan must include the following components:

29 (a) A description of how the program proposed under the plan will  
30 collect, transport, recycle, and process leftover paint and  
31 associated packaging from covered entities for end-of-life  
32 management, including reuse, recycling, energy recovery, and  
33 disposal, using environmentally sound management practices;

34 (b) Stewardship organization contact information and a list of  
35 participating brands and producers under the program;

36 (c) A demonstration of sufficient funding for the  
37 (~~architectural~~) paint product stewardship program as described in  
38 the plan. The plan must include a funding mechanism whereby each

1 ((architectural)) paint product producer remits to the stewardship  
2 organization payment of ((an—architectural)) a paint product  
3 stewardship assessment for each container of ((architectural)) paint  
4 product the producer sells in this state, unless the distributor or  
5 paint retailer has negotiated a voluntary agreement with the producer  
6 and stewardship organization to remit the ((architectural—paint  
7 ~~stewardship~~)) assessment directly to the stewardship organization on  
8 behalf of the producer for the producer's ((architectural)) paint  
9 products sold by the distributor or paint retailer in the state. The  
10 plan must include a proposed budget and a description of the process  
11 used to determine the ((architectural)) paint product stewardship  
12 assessment. The ((architectural)) paint product stewardship  
13 assessment must be added to the cost of all ((architectural)) paint  
14 products sold to Washington paint retailers and distributors, unless  
15 the distributor or paint retailer has negotiated an agreement  
16 voluntarily with the producer and stewardship organization to remit  
17 the assessment directly to the stewardship organization on behalf of  
18 the producer for the producer's ((architectural)) paint products sold  
19 by the distributor or paint retailer in the state. Each Washington  
20 paint retailer or distributor must add the assessment to the purchase  
21 price of all ((architectural)) paint products sold in this state.  
22 Manufacturers may not require retailers to opt to participate in a  
23 voluntary remittance agreement;

24 (d) The establishment in the plan of a uniform ((architectural))  
25 paint product stewardship assessment for all ((architectural)) paint  
26 products sold in this state, in order to ensure that the funding  
27 mechanism is equitable and sustainable. For purposes of establishing  
28 the assessment, the plan must categorize the product types and sizes  
29 of ((paint)) containers sold at retail and determine a uniform  
30 assessment amount that applies to each ((category of)) product type  
31 and container size to cover the paint product categories specified in  
32 RCW 70A.515.020(18)(a) (i) through (iv). The plan must provide a  
33 description of how the assessment is calculated and should reflect  
34 the approximate costs to the stewardship organization for each paint  
35 product type. The ((architectural)) paint product stewardship  
36 assessment must be sufficient to recover the costs of the  
37 ((architectural)) paint product stewardship program. With the  
38 exception of the annual administration costs paid to the department  
39 under RCW 70A.515.060(4), the department may not control or have  
40 spending authority related to the funds received by the stewardship

1 organization from the assessment. Funds received by the stewardship  
2 organization are not state funds and are not eligible to be  
3 transferred for other state purposes in an appropriations act. The  
4 plan must require that any surplus funds generated from the funding  
5 mechanism that exceed a reserve greater than the most recent year's  
6 operating expenditures be put back into the program to either  
7 increase and improve program services or reduce the cost of the  
8 program and the ((~~architectural~~)) paint product stewardship  
9 assessment, or both;

10 (e) A review by an independent financial auditor of the proposed  
11 ((~~architectural~~)) paint product stewardship assessment to ensure that  
12 any added cost to paint sold in the state as a result of the paint  
13 product stewardship program does not exceed the costs of the program.  
14 In a report to the department, the independent auditor must verify  
15 that the amount added to each unit of paint will cover the costs of  
16 the paint product stewardship program;

17 (f) Assignment to the department of responsibility for the  
18 approval of the ((~~architectural~~)) paint product stewardship  
19 assessment based on the information provided in the plan and the  
20 auditor's report;

21 (g) A description of the educational outreach strategy to reduce  
22 the generation of leftover paint products, to promote the reuse and  
23 recycling of leftover paint products, for the overall collection of  
24 leftover paint products, and for the proper end-of-life management of  
25 leftover paint products. The strategies may be revised by a  
26 stewardship organization based on the information collected annually;

27 (h) A description of the reasonably convenient and available  
28 statewide collection system, including:

29 (i) A description of how the program will provide for reasonably  
30 convenient and available statewide collection of leftover paint  
31 products from covered entities in urban and rural areas of the state,  
32 including island communities;

33 (ii) A description of how the program will incorporate existing  
34 public and private waste collection services and facilities for  
35 activities, which may include, but is not limited to:

36 (A) The reuse or processing of leftover ((~~architectural~~)) paint  
37 products at the permanent collection site; and

38 (B) The collection, transportation, and recycling or proper  
39 disposal of leftover ((~~architectural~~)) paint products; and

1 (iii) A description of how the program will use the moderate risk  
2 waste collection infrastructure when selecting collection points and  
3 services for leftover paint products;

4 (i) A description of how leftover paint products will be managed  
5 using environmentally sound management practices, including  
6 reasonably following the paint waste management hierarchy of: Source  
7 reduction; reuse; recycling; energy recovery; and disposal;

8 (j) A description of education and outreach efforts to promote  
9 the paint product stewardship program. The education and outreach  
10 efforts must include strategies for reaching all sectors of the  
11 population and describe how the paint product stewardship program  
12 will evaluate the effectiveness of its education and outreach;

13 (k) A description of collection site procedural manuals for  
14 ~~((architectural))~~ paint products, including training procedures and  
15 electronic copies of materials that will be provided to collection  
16 sites; and

17 (l) A list of transporters that will be used to manage leftover  
18 paint products collected by the stewardship organization and a list  
19 of potential processors to be used for final disposition.

20 (2) (a) To ensure adequate collection coverage, the plan must use  
21 geographic information modeling and the information required under  
22 subsection (1) (h) of this section to determine the number and  
23 distribution of collection sites based on the following criteria: At  
24 least ~~((ninety))~~ 90 percent of Washington residents must have a  
25 permanent collection site for architectural paint within a  
26 ~~((fifteen))~~ 15-mile radius; and unless otherwise approved by the  
27 department, one additional permanent collection site for  
28 architectural paint must be established for every ~~((thirty thousand))~~  
29 40,000 residents of an urban~~((ized))~~ area and for every urban  
30 ~~((cluster))~~ area of at least ~~((thirty thousand))~~ 40,000 residents  
31 distributed to provide convenient and reasonably equitable access for  
32 residents within each. For the purposes of compliance with this  
33 subsection (2) (a), a stewardship organization and the department may  
34 rely upon new or updated designations of urban locations by the  
35 United States census bureau that are determined by the department to  
36 be similar to the definition of urban areas in RCW 70A.515.020.

37 (b) For the portion of the population that does not have a  
38 permanent collection location for paint products within a ~~((fifteen))~~  
39 15-mile radius, the plan must provide residents a reasonable  
40 opportunity ~~((to drop off leftover))~~ for paint ~~((at collection~~

1 events)) product collection. The stewardship organization, in  
2 consultation with the department and the ~~((local—community))~~  
3 appropriate local governments, will determine a reasonable frequency  
4 and location of these collection ~~((events))~~ opportunities, to be held  
5 in underserved areas. Special consideration is to be made for  
6 providing opportunities to island and geographically isolated  
7 populations.

8 (3)(a) Nothing in subsection (2) of this section prohibits a  
9 program plan from identifying an available curbside service for a  
10 specific area or population that provides convenient and reasonably  
11 equitable access for Washington residents that is at least equivalent  
12 to the level of convenience and access that would be provided by a  
13 collection site.

14 (b) A fee may not be charged at the time the unwanted paint  
15 ~~((is))~~ products are delivered or collected for management. However,  
16 this subsection (3)(b) does not prohibit collectors providing  
17 curbside services from charging customers a fee, as provided by city  
18 contract or by the Washington utilities and transportation commission  
19 under the authority of chapter 81.77 RCW, for the additional  
20 collection cost of providing this service.

21 (4) The program plan must utilize the existing public and private  
22 waste collection services and facilities where cost-effective and  
23 mutually agreeable.

24 (5) The program must utilize existing paint retail stores as  
25 collection sites where cost-effective and mutually agreeable.

26 (6) The plan must provide the collection site name and location  
27 of each site statewide in Washington accepting ~~((architectural))~~  
28 paint products under the program, and the categories of paint  
29 products specified in RCW 70A.515.020(18)(a) (i) through (iv)  
30 accepted at such locations.

31 (7) A stewardship organization shall promote a paint product  
32 stewardship program and provide consumers, covered entities, and  
33 paint retailers with educational and informational materials  
34 describing collection opportunities for leftover paint products  
35 statewide, the ~~((architectural))~~ paint product stewardship assessment  
36 used to finance the program, and promotion of waste prevention,  
37 reuse, and recycling. These materials may include, but are not  
38 limited to, the following:

39 (a) Signage that is prominently displayed and easily visible to  
40 the consumer;

1 (b) Written materials and templates of materials for reproduction  
2 by paint product retailers to be provided to the consumer at the time  
3 of purchase or delivery, or both;

4 (c) Advertising or other promotional materials, or both, that  
5 include references to the ((~~architectural~~)) paint product stewardship  
6 program; and

7 (d) An explanation that the ((~~architectural~~)) paint product  
8 stewardship assessment has been added to the purchase price of  
9 ((~~architectural~~)) paint products to fund the paint product  
10 stewardship program in the state. The ((~~architectural~~)) paint product  
11 stewardship assessment may not be described as a department recycling  
12 fee at the point of retail.

13 (8) A stewardship organization must submit a new plan or plan  
14 amendment to the department for approval when there is a change to  
15 the amount of the assessment, if required by the department, or every  
16 five years, if the department deems it necessary.

17 **Sec. 5.** RCW 70A.515.050 and 2020 c 20 s 1460 are each amended to  
18 read as follows:

19 (1) Each stewardship organization shall submit a paint product  
20 stewardship program plan in accordance with RCW 70A.515.040.

21 (2) Each stewardship organization shall develop and distribute a  
22 collection site procedural manual to collection sites to help ensure  
23 proper management of ((~~architectural paints~~)) paint products at  
24 collection locations.

25 (3) A stewardship organization shall implement the paint  
26 stewardship program plan by November 30, 2020, or within six months  
27 after approval of a paint product stewardship program plan under RCW  
28 70A.515.040, whichever is later. A stewardship organization shall  
29 implement the updated paint product stewardship program plan  
30 addressing all paint products within six months after approval of the  
31 updated paint product stewardship program plan under RCW 70A.515.040.

32 (4) A stewardship organization shall submit an annual report ((~~by~~  
33 ~~October 15, 2020, or a later date agreed to by the department~~)),  
34 structured to be used as a basis for annual plan review by the  
35 department. The report must be based on the requirements outlined in  
36 RCW 70A.515.080.

37 (5) A stewardship organization shall work with producers,  
38 distributors, paint retailers, and local governments to provide  
39 consumers with educational and informational materials describing

1 collection opportunities for leftover paint statewide and promotion  
2 of waste prevention, reuse, and recycling of leftover paint products.

3 (6) A stewardship organization shall pay an annual administrative  
4 fee, described in RCW 70A.515.060, in an amount sufficient to cover  
5 only the department's cost of administering and enforcing a paint  
6 product stewardship program established under this chapter.

7 **Sec. 6.** RCW 70A.515.060 and 2020 c 20 s 1461 are each amended to  
8 read as follows:

9 (1) The department shall review the plan or updated plan within  
10 (~~one hundred twenty~~) 120 days of receipt, and make a determination  
11 as to whether or not to approve the plan. The department shall  
12 provide a letter of approval for the plan if it provides for the  
13 establishment of a paint product stewardship program that meets the  
14 requirements of RCW 70A.515.040 and 70A.515.050. If a plan is  
15 rejected, the department shall provide the reasons for rejecting the  
16 plan to the stewardship organization. The stewardship organization  
17 must submit a new plan within (~~sixty~~) 60 days after receipt of the  
18 letter of disapproval.

19 (2) When a plan, updated plan, or an amendment to an approved  
20 plan is submitted under this section, the department shall make the  
21 proposed plan, updated plan, or amendment available for public review  
22 and comment for at least (~~thirty~~) 30 days.

23 (3) The department shall provide oversight of a stewardship  
24 organization in the determination and implementation of the  
25 (~~architectural~~) paint product stewardship assessment specified in  
26 RCW 70A.515.040(1).

27 (4) The department shall identify the costs it incurs under this  
28 chapter. The department shall set the fee at an amount that, when  
29 paid by every stewardship organization or producer that submits a  
30 plan, is adequate to reimburse the department's full costs of  
31 administering and enforcing this chapter. The total amount of annual  
32 fees collected under this subsection must not exceed the amount  
33 necessary to reimburse costs incurred by the department to enforce  
34 and administer this chapter.

35 (5) A stewardship organization or producer subject to this  
36 chapter must pay the department's administrative fee under this  
37 subsection on or before June 30, 2020, and annually thereafter. The  
38 annual administrative fee may not exceed five percent of the  
39 aggregate assessment added to the cost of all (~~architectural~~) paint

1 products sold by producers in the state for the preceding calendar  
2 year.

3 (6) The department shall enforce this chapter.

4 (a) The department may administratively impose a civil penalty on  
5 any person who violates this chapter in an amount of up to (~~one~~  
6 ~~thousand dollars~~) \$1,000 per violation per day.

7 (b) The department may administratively impose a civil penalty of  
8 up to (~~ten thousand dollars~~) \$10,000 per violation per day on any  
9 person who intentionally, knowingly, or negligently violates this  
10 chapter.

11 (c) Any person who incurs a penalty under this section may appeal  
12 the penalty to the pollution control hearings board established by  
13 chapter 43.21B RCW.

14 (7) Upon the date the first plan is approved, the department  
15 shall post on its website a list of producers and their brands for  
16 which the department has approved a plan pursuant to RCW 70A.515.040.  
17 The department shall update the list of producers and brands  
18 participating under an approved program plan on a (~~monthly~~)  
19 quarterly basis based on information provided to the department from  
20 a stewardship organization.

21 (8) Upon a demonstration to the satisfaction of the department  
22 that a previously unlisted producer is in compliance with this  
23 chapter, within (~~fourteen~~) 14 days the department must add the name  
24 of the producer to its website.

25 (9) The department shall review each annual report required  
26 pursuant to RCW 70A.515.080 within (~~ninety~~) 90 days of its  
27 submission to ensure compliance with RCW 70A.515.080(1).

28 (10) The department may adopt rules as necessary for the purpose  
29 of implementing, administering, and enforcing this chapter.

30 **Sec. 7.** RCW 70A.515.070 and 2019 c 344 s 7 are each amended to  
31 read as follows:

32 (1) A producer or paint retailer may not sell or offer for sale  
33 to any person in the state (~~architectural~~) paint products unless  
34 the producer or brand of (~~architectural~~) paint products is  
35 participating in an approved stewardship plan under this chapter. A  
36 retailer complies with the requirements of this section if, on the  
37 date the (~~architectural~~) paint product was ordered from the  
38 producer or its agent, the producer of the paint product was listed  
39 on the department's website as a producer participating in an

1 approved paint product stewardship program plan. (~~However, a~~  
2 ~~retailer may sell any paint purchased prior to July 28, 2019~~) The  
3 requirements of this section apply only to architectural paint until  
4 the date that an updated plan addressing all paint products has been  
5 approved by the department and is implemented by a stewardship  
6 organization under RCW 70A.515.050(3). A retailer may continue to  
7 sell any aerosol coating products, coating-related products, and  
8 nonindustrial coatings until six months after approval of an updated  
9 stewardship program plan.

10 (2) A distributor or a paint retailer that distributes or sells  
11 (~~architectural~~) paint products shall monitor the department's  
12 website to determine if the sale of a producer's (~~architectural~~)  
13 paint products is in compliance with this chapter.

14 (3) At the time of sale to a consumer, a producer, a stewardship  
15 organization, or a paint retailer selling or offering  
16 (~~architectural~~) paint products for sale in Washington shall provide  
17 the consumer with information regarding available end-of-life  
18 management options for leftover (~~architectural~~) paint products  
19 collected through a paint product stewardship program.

20 (4) Neither a paint retailer, nor any other retailer, is required  
21 to serve as a leftover paint product collection facility.

22 (5) No fee may be charged at the time of delivery of leftover  
23 paint products to a collection site.

24 **Sec. 8.** RCW 70A.515.080 and 2020 c 20 s 1462 are each amended to  
25 read as follows:

26 (1) By (~~October 15, 2020~~) May 1, 2026, and annually thereafter,  
27 a stewardship organization shall submit to the department a report  
28 describing the paint product stewardship program that the stewardship  
29 organization implemented during the previous fiscal year. The report  
30 must include all of the following:

31 (a) A description of the methods the stewardship organization  
32 used to reduce, reuse, collect, transport, recycle, and process  
33 leftover paint products statewide in Washington;

34 (b) The volume of (~~latex and oil-based architectural~~) paint  
35 products collected by the stewardship organization in the preceding  
36 (~~fiscal~~) calendar year in Washington, including any increase in  
37 total volume of paint collected each year, and the cost of the paint  
38 product stewardship program per gallon of paint collected;

1 (c) The volume of (~~latex and oil-based architectural~~) paint  
2 products collected by method of disposition, including reuse,  
3 recycling, energy recovery, and disposal;

4 (d) An estimate of the total weight of all paint product  
5 containers recycled by the program;

6 (e) A list of all processors through final disposition that are  
7 used to manage leftover paint products collected by the stewardship  
8 organization in the preceding year;

9 (f) A list of all the producers participating in the plan;

10 (g) The total volume of (~~architectural~~) paint products sold in  
11 Washington during the preceding year based on the (~~architectural~~)  
12 paint product stewardship assessment collected by the stewardship  
13 organization;

14 (h) An independent financial audit of the paint product  
15 stewardship program implemented by the stewardship organization,  
16 including a breakdown of the program's expenses, such as collection,  
17 recycling, education, and overhead;

18 (i) The total cost of implementing the paint product stewardship  
19 program broken out by administrative, collection, transportation and  
20 disposition, and communications costs;

21 (j) An evaluation of the effectiveness of the paint product  
22 stewardship program from year to year, and anticipated steps, if  
23 needed, to improve performance throughout the state; and

24 (k) A summary of outreach and education activities undertaken and  
25 samples of the educational materials that the stewardship  
26 organization provided to consumers of (~~architectural paint during~~  
27 ~~the first year of the program and any changes to those materials in~~  
28 ~~subsequent years~~) paint products.

29 (2) Beginning with the annual report due the year after the  
30 initial inclusion of paint products other than architectural paint  
31 into the program under this chapter, the annual report must also  
32 include reporting on paint products other than architectural paint  
33 collected by the stewardship organization in the preceding fiscal  
34 year in Washington, as described in subsection (1)(b) through (g) of  
35 this section.

36 (3) The department must make all reports submitted under this  
37 section available to the general public through the internet.  
38 (~~Consistent with RCW 70A.515.130, valuable commercial information~~  
39 ~~submitted to the department under this chapter is exempt from public~~  
40 ~~disclosure under RCW 42.56.270. However, the)) A producer or~~

1 stewardship organization may request that information or records  
2 submitted to the department under this chapter be made available only  
3 for the confidential use of the department, the director of the  
4 department, or the appropriate division of the department. The  
5 director of the department must consider the request and if this  
6 action is not detrimental to the public interest and is otherwise in  
7 accordance with the policies and purposes of chapter 43.21A RCW, the  
8 director must grant the request for the information to remain  
9 confidential as authorized in RCW 43.21A.160. The department may use  
10 and disclose such information in summary or aggregated form as long  
11 as the disclosure does not directly or indirectly identify financial,  
12 production, or sales data of an individual producer or stewardship  
13 organization. The department is not required to notify individual  
14 producers prior to making available to the general public the reports  
15 submitted under this section or aggregated or summarized information  
16 from reports submitted under this section.

17 **Sec. 9.** RCW 70A.515.090 and 2020 c 20 s 1463 are each amended to  
18 read as follows:

19 Producers or stewardship organizations acting on behalf of  
20 producers that prepare, submit, and implement a paint product  
21 stewardship program plan pursuant to RCW 70A.515.040 and thereby are  
22 subject to regulation by the department are granted immunity from  
23 state laws relating to antitrust, restraint of trade, unfair trade  
24 practices, and other regulation of trade and commerce, for the  
25 limited purpose of planning, reporting, and operating a paint product  
26 stewardship program and proposing and establishing the  
27 (~~architectural~~) paint product stewardship assessment required in  
28 RCW 70A.515.040(1) (c) and (d).

29 **Sec. 10.** RCW 70A.515.100 and 2019 c 344 s 10 are each amended to  
30 read as follows:

31 The paint product stewardship account is created in the state  
32 treasury. All receipts received by the department from stewardship  
33 organizations must be deposited in the account. (~~Moneys in the~~  
34 ~~account may be spent only after appropriation. Expenditures from the~~  
35 ~~account may be used by the department only for administering and~~  
36 ~~enforcing paint stewardship programs)) Only the director of the  
37 department or the director's designee may authorize expenditures from  
38 the account. The account is subject to allotment procedures under~~

1 chapter 43.88 RCW, but an appropriation is not required for  
2 expenditures. Moneys in the account may be used solely by the  
3 department for administering, implementing, and enforcing the  
4 requirements of this chapter. Funds in the account may not be  
5 diverted for any purpose or activity other than those specified in  
6 this section.

7 **Sec. 11.** RCW 70A.515.110 and 2019 c 344 s 11 are each amended to  
8 read as follows:

9 This chapter is void if a federal law, or a combination of  
10 federal laws, takes effect that establishes a national program for  
11 the collection and recycling of (~~architectural~~) paint products that  
12 substantially meets the intent of this chapter, including the  
13 creation of a funding mechanism for collection, transportation,  
14 recycling, and proper disposal of all (~~architectural~~) paint  
15 products in the United States.

16 **Sec. 12.** RCW 70A.208.020 and 2025 c 316 s 102 are each amended  
17 to read as follows:

18 The definitions in this section apply throughout this chapter  
19 unless the context clearly requires otherwise.

20 (1) "Advisory council" means the council established in RCW  
21 70A.208.050.

22 (2) "Alternative recycling process" means a recycling process  
23 that occurs other than through purely physical means.

24 (3)(a) "Beverage" means a drinkable liquid intended for human  
25 oral consumption.

26 (b) "Beverage" does not include: (i) A drug regulated under the  
27 federal food, drug, and cosmetic act, 21 U.S.C. Sec. 301 et seq.;  
28 (ii) 100 percent fluid milk; (iii) infant formula; or (iv) a meal  
29 replacement liquid.

30 (4) "Beverage container" means any container in which a producer  
31 originally prepackaged and sealed a beverage.

32 (5) "Brand" means a name, symbol, word, logo, or mark that  
33 identifies an item and attributes the item and its components,  
34 including packaging, to the brand owner of the item.

35 (6) "Collection rate" means the amount of a covered material by  
36 covered materials type collected by service providers and transported  
37 for recycling or composting divided by the total amount of the type

1 of a covered material by covered materials type introduced by the  
2 relevant unit of measurement established in the plan.

3 (7) "Compostable" means a product that is capable of composting  
4 in a composting system and is in compliance with the requirements for  
5 a product labeled as compostable under chapter 70A.455 RCW.

6 (8) "Composting" means the controlled microbial degradation of  
7 source separated compostable materials to yield a humus-like product.

8 (9) "Composting rate" means the amount of compostable covered  
9 material that is managed through composting, divided by the total  
10 amount of compostable covered material introduced by the relevant  
11 unit of measurement.

12 (10) "Composting system" means a system meeting the requirements  
13 of chapter 70A.205 RCW applicable to facilities that treat solid  
14 waste for composting.

15 (11) "Contamination" means:

16 (a) The presence of materials that are not on the list of  
17 materials collected in that material stream; or

18 (b) The presence of materials that are not specified or accepted  
19 as a component of the feedstock or commodity.

20 (12) "Covered entity" means a person or location that receives  
21 covered services for covered materials in accordance with the  
22 requirements of this chapter, including:

23 (a) A single-family residence;

24 (b) A multifamily residence; and

25 (c) A public place where a government entity managed recycling  
26 collection receptacles as of August 1, 2025, and any additional  
27 public place identified in an approved plan.

28 (13)(a) "Covered material" means packaging and paper products  
29 introduced into the state.

30 (b) "Covered material" does not include exempt materials.

31 (14) "Covered materials type" means a singular and specific type  
32 of material, such as paper, plastic, metal, or glass, that is a  
33 covered material and that:

34 (a) May be categorized based on distinguishing chemical or  
35 physical properties, including properties that allow a covered  
36 materials type to be aggregated into a discrete commodity category  
37 for purposes of reuse, recycling, or composting; and

38 (b) Is based on similar uses in the form of a product or  
39 packaging.

1 (15) (a) "Covered services" means collecting, transferring,  
2 transporting, sorting, processing, recovering, preparing, or  
3 otherwise managing for purposes of waste reduction, refill, reuse,  
4 recycling, composting, or disposal of contamination or residuals.

5 (b) Except with regard to contamination, "covered services" do  
6 not include:

7 (i) Resource recovery through mixed municipal solid waste  
8 composting or incineration; or

9 (ii) Land disposal.

10 (16) "De minimis producer" means a producer that:

11 (a) In their most recent fiscal year introduced less than one ton  
12 of covered materials;

13 (b) Has a global gross revenue, not including on-premises alcohol  
14 sales, for the prior fiscal year of:

15 (i) Until January 1, 2031, less than \$5,000,000; or

16 (ii) Beginning January 1, 2031, less than \$5,000,000, as adjusted  
17 for inflation. The department must use the consumer price index for  
18 urban wage earners to calculate the annual rate of inflation  
19 adjustment effective January 1st of each year, beginning January 1,  
20 2031; or

21 (c) Is an agricultural employer, as defined in RCW 19.30.010,  
22 regardless of where the agricultural employer is located, with less  
23 than \$5,000,000, as adjusted for inflation as described in (b) of  
24 this subsection, in gross revenue in Washington from consumer sales  
25 of agricultural commodities sold under the brand name of the  
26 agricultural employer.

27 (17) "Department" means the department of ecology.

28 (18) "Drop-off collection site" means a physical location where  
29 covered materials are accepted from the public and that is open a  
30 minimum of 12 hours weekly throughout the year.

31 (19) "Exempt materials" means materials, or any portion of  
32 materials, that are:

33 (a) Packaging for infant formula, as defined in 21 U.S.C. Sec.  
34 321(z);

35 (b) Packaging for medical food, as defined in 21 U.S.C. Sec.  
36 360ee(b)(3);

37 (c) Packaging for a fortified oral nutritional supplement used by  
38 persons who require supplemental or sole source nutrition to meet  
39 nutritional needs due to special dietary needs directly related to  
40 cancer, chronic kidney disease, diabetes, malnutrition, or failure to

1 thrive, as those terms are defined by the *International*  
2 *Classification of Diseases*, tenth revision;

3 (d) Packaging for a product regulated as a drug, medical device,  
4 or dietary supplement by the United States food and drug  
5 administration, including associated components and consumable  
6 medical equipment, under the federal food, drug, and cosmetic act (21  
7 U.S.C. Sec. 321 et seq.), or a product regulated as a biologic or  
8 vaccine by the United States food and drug administration under the  
9 public health service act (42 U.S.C. Sec. 201 et seq.);

10 (e) Packaging for a medical equipment or product used in medical  
11 settings that is regulated by the United States food and drug  
12 administration, including associated components and consumable  
13 medical equipment;

14 (f) Packaging for drugs, biological products, parasiticides,  
15 medical devices, or in vitro diagnostics that are used to treat, or  
16 that are administered to, animals and are regulated by the United  
17 States food and drug administration under the federal food, drug, and  
18 cosmetic act (21 U.S.C. Sec. 301 et seq.) and by the United States  
19 department of agriculture under the federal virus-serum-toxin act (21  
20 U.S.C. Sec. 151 et seq.);

21 (g) Noncompostable film plastic packaging used in direct contact  
22 with raw meat;

23 (h) Packaging for products regulated by the United States  
24 environmental protection agency under the federal insecticide,  
25 fungicide, and rodenticide act (7 U.S.C. Sec. 136 et seq.);

26 (i) Packaging used to contain liquefied petroleum gas and are  
27 designed to be refilled;

28 (j) Packaging used to contain hazardous or flammable products  
29 classified by the 2012 federal occupational safety and health  
30 administration hazard communication standard, 29 C.F.R. Sec.  
31 1910.1200 (2024), that prevent the packaging from being reduced or  
32 made reusable, recyclable, or compostable, as determined by the  
33 department;

34 (k) Packaging that is associated with paint products (~~managed~~  
35 ~~through a paint stewardship plan approved under~~) as defined in  
36 chapter 70A.515 RCW;

37 (l) Excluded materials, as determined by the department under RCW  
38 70A.208.260;

39 (m) Used to protect or store a durable product for a period of at  
40 least five years;

1 (n) Packaging used for bulk construction materials;  
2 (o) Covered materials that:  
3 (i) A producer distributes to another producer;  
4 (ii) Are subsequently used to contain a product and the product  
5 is distributed to a commercial or business entity for the production  
6 of another product; and  
7 (iii) Are not introduced to a person other than the commercial or  
8 business entity that first received the product used for the  
9 production of another product; and  
10 (p) Covered materials for which the producer demonstrates to the  
11 department that the covered material meets all of the following  
12 criteria:  
13 (i) The material is not collected through a residential recycling  
14 collection service;  
15 (ii) The material is recycled at a responsible market;  
16 (iii) The material is intended to be used and collected within a  
17 commercial setting;  
18 (iv) (A) The producer annually demonstrates to the department that  
19 the material has had a state recycling rate of 65 percent for three  
20 consecutive years, until December 31, 2029. Beginning January 1,  
21 2030, the producer must demonstrate to the department every two years  
22 that the material has had a state recycling rate of at least 70  
23 percent annually; or  
24 (B) The producer annually demonstrates to the department that the  
25 material is directly managed by the producer and has had a reuse or  
26 recycling rate of 65 percent for three consecutive years, until  
27 December 31, 2029. Beginning January 1, 2030, the producer must  
28 demonstrate to the department every two years that the material  
29 controlled by the producer has had a reuse or recycling rate of at  
30 least 70 percent annually; and  
31 (v) If only a portion of the material sold in or into the state  
32 by a producer meets the criteria of (p) (i) of this subsection, only  
33 the portion of the material that meets that criteria is an exempt  
34 material and any portion that does not meet the criteria is a covered  
35 material for purposes of this chapter.

36 (20) "Government entity" means any:

37 (a) County, city, town, or other local government, including any  
38 municipal corporation, quasi-municipal corporation, or special  
39 purpose district, or any office, department, division, bureau, board,  
40 commission, or agency thereof, or other local public agency;

1 (b) State office, department, division, bureau, board,  
2 commission, or other state agency;

3 (c) Federally recognized Indian tribe whose traditional lands and  
4 territories include parts of Washington; or

5 (d) Federal office, department, division, bureau, board,  
6 commission, or other federal agency.

7 (21) "Individual plan" means a plan submitted by a producer that  
8 registers with the department as a producer responsibility  
9 organization to address the covered materials of the producer.

10 (22) "Introduce" means to sell, offer for sale, distribute, or  
11 ship a product within or into this state.

12 (23) "Material recovery facility" means any facility that  
13 receives, compacts, repackages, or sorts source separated solid waste  
14 for the purpose of recycling.

15 (24) "Overburdened communities" means the overburdened  
16 communities identified and prioritized by the department under RCW  
17 70A.02.050(1)(a).

18 (25)(a) "Packaging" means a material, substance, or object that  
19 is used to protect, contain, transport, serve, or facilitate delivery  
20 of a product and is sold or supplied with the product to the consumer  
21 for personal, noncommercial use.

22 (b) "Packaging" does not include exempt materials.

23 (26) "Paper product" means paper sold or supplied to a consumer  
24 for personal, noncommercial use, including flyers, brochures,  
25 booklets, catalogs, magazines, printed paper, and all other paper  
26 materials except for: (a) Bound books; (b) conservation-grade and  
27 archival-grade paper; (c) newspapers, including supplements or  
28 enclosures; (d) magazines that have a circulation of fewer than  
29 95,000 and that includes content derived from primary sources related  
30 to news and current events; (e) copy paper; (f) paper for use in  
31 building construction; and (g) paper that could reasonably be  
32 anticipated to become unsafe or unsanitary to handle.

33 (27)(a) "Plastic source reduction" means the reduction in the  
34 amount of covered plastic material introduced by a producer relative  
35 to a baseline year of 2023, or relative to an alternative baseline  
36 year of no earlier than 2013 where a producer submits data  
37 documenting the plastic source reduction to a producer responsibility  
38 organization. Methods of source reduction include, but are not  
39 limited to, shifting covered material to reusable or refillable  
40 packaging or a reusable product, eliminating unnecessary packaging,

1 or reducing the packaging to product ratio. "Plastic source  
2 reduction" must include elimination, which means the removal of  
3 plastic covered materials.

4 (b) "Plastic source reduction" does not include either of the  
5 following:

6 (i) Replacing a recyclable or compostable covered material with a  
7 nonrecyclable or noncompostable covered material or a covered  
8 material that is less likely to be recycled or composted; or

9 (ii) Switching from virgin covered material to postconsumer  
10 recycled content, except as allowed under an alternative compliance  
11 formula in RCW 70A.208.150(6).

12 (28) "Postconsumer recycled content" has the same meaning as  
13 defined in RCW 70A.245.010.

14 (29)(a) "Producer" means the following person responsible for  
15 compliance with requirements under this chapter for a covered  
16 material introduced into the state:

17 (i) For items sold in or with packaging at a physical retail  
18 location in this state:

19 (A) If the item is sold in or with packaging under the brand of  
20 the item manufacturer or is sold in packaging that lacks  
21 identification of a brand, the producer is the person that  
22 manufactures the item;

23 (B) If there is no person to which (a)(i)(A) of this subsection  
24 applies, the producer is the person that is licensed to manufacture  
25 and sell or offer for sale to consumers in this state an item with  
26 packaging under the brand or trademark of another manufacturer or  
27 person;

28 (C) If there is no person to which (a)(i)(A) or (B) of this  
29 subsection applies, the producer is the brand owner of the item;

30 (D) If there is no person described in (a)(i)(A), (B), or (C) of  
31 this subsection within the United States, the producer is the person  
32 who is the importer of record for the item into the United States for  
33 use in a commercial enterprise that sells, offers for sale, or  
34 distributes the item in this state; or

35 (E) If there is no person described in (a)(i)(A) through (D) of  
36 this subsection, the producer is the person that first distributes  
37 the item in or into this state;

38 (ii) For items sold or distributed in packaging in or into this  
39 state via e-commerce, remote sale, or distribution:

1 (A) For packaging used to directly protect or contain the item,  
2 the producer of the packaging is the same as the producer identified  
3 under (a)(i) of this subsection; and

4 (B) For packaging used to ship the item to a consumer, the  
5 producer of the packaging is the person that packages the item to be  
6 shipped to the consumer;

7 (iii) For packaging that is a covered material and is not  
8 included in (a)(i) and (ii) of this subsection, the producer of the  
9 packaging is the person that first distributes the item in or into  
10 this state;

11 (iv) For paper products that are magazines, catalogs, telephone  
12 directories, or similar publications, the producer is the publisher;

13 (v) For paper products not described in (a)(iv) of this  
14 subsection:

15 (A) If the paper product is sold under the manufacturer's own  
16 brand, the producer is the person that manufactures the paper  
17 product;

18 (B) If there is no person to which (a)(v)(A) of this subsection  
19 applies, the producer is the person that is the owner or licensee of  
20 a brand or trademark under which the paper product is used in a  
21 commercial enterprise, sold, offered for sale, or distributed in or  
22 into this state, whether or not the trademark is registered in this  
23 state;

24 (C) If there is no person to which (a)(v)(A) or (B) of this  
25 subsection applies, the producer is the brand owner of the paper  
26 product;

27 (D) If there is no person described in (a)(v)(A), (B), or (C) of  
28 this subsection within the United States, the producer is the person  
29 that imports the paper product into the United States for use in a  
30 commercial enterprise that sells, offers for sale, or distributes the  
31 paper product in this state; or

32 (E) If there is no person described in (a)(v)(A) through (D) of  
33 this subsection, the producer is the person that first distributes  
34 the paper product in or into this state;

35 (vi) A person is the "producer" of a covered material sold,  
36 offered for sale, or distributed in or into this state, as defined in  
37 (a)(i) through (v) of this subsection, except:

38 (A) Where another person has mutually signed an agreement with a  
39 producer as defined in (a)(i) through (v) of this subsection that  
40 contractually assigns responsibility to the person as the producer,

1 and the person has joined a registered producer responsibility  
2 organization as the responsible producer for that covered material  
3 under this chapter. If another person is assigned responsibility as  
4 the producer under this subsection, the producer under (a)(i) through  
5 (v) of this subsection must provide written certification of that  
6 contractual agreement to the producer responsibility organization.  
7 The following persons are not eligible to be the assigned recipient  
8 of responsibility as a producer under this subsection: (I) A person  
9 who produces an agricultural commodity introduced under the brand or  
10 trademark of another manufacturer or person; or (II) a distributor of  
11 a beverage sold in a beverage container; and

12 (B) If the producer described in (a)(i) through (v) of this  
13 subsection is a business operated wholly or in part as a franchise,  
14 the producer is the franchisor, if that franchisor has franchisees  
15 that have a commercial presence within the state.

16 (b) "Producer" does not include:

17 (i) Government entities;

18 (ii) Registered 501(c)(3) charitable organizations and 501(c)(4)  
19 social welfare organizations; or

20 (iii) De minimis producers.

21 (30) "Producer responsibility organization" means:

22 (a) A nonprofit organization that qualifies for a tax exemption  
23 under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code  
24 and is designated by a producer or group of producers to fulfill the  
25 requirements of this chapter;

26 (b) A producer that registers with the department as a producer  
27 responsibility organization and implements an individual plan  
28 addressing the covered materials of the producer; or

29 (c) An organization as defined by the department by rule.

30 (31) "Program" means the activities conducted to implement an  
31 approved plan.

32 (32)(a) "Public place" means an indoor or outdoor location open  
33 to and generally used by the public and to which the public is  
34 permitted to have access including, but not limited to, streets,  
35 sidewalks, plazas, town squares, public parks, beaches, forests, or  
36 other public land open for recreation or other uses, and  
37 transportation facilities such as bus and train stations, airports,  
38 and ferry terminals.

1 (b) "Public place" does not include a retail establishment or  
2 industrial, commercial, or privately owned property that is not  
3 required to be accessible to the public.

4 (33) "Recycling" means transforming or remanufacturing covered  
5 materials into usable or marketable materials for use other than  
6 landfill disposal or incineration and does not include reuse or  
7 composting.

8 (34) "Recycling rate" means the amount of covered materials, in  
9 aggregate or by individual covered materials type, delivered to  
10 responsible markets for recycling in a calendar year divided by the  
11 total amount of covered materials introduced by the relevant unit of  
12 measurement and excluding covered materials that are reusable or  
13 compostable.

14 (35) "Refill" means the continued use of a covered material by a  
15 consumer through a system that is:

16 (a) Intentionally designed and marketed for repeated filling of a  
17 covered material to reduce demand for new production of the covered  
18 material;

19 (b) Supported by adequate logistics and infrastructure to provide  
20 convenient access to consumers; and

21 (c) Compliant with all applicable federal, state, and local  
22 statutes, rules, ordinances, and other laws governing health and  
23 safety.

24 (36) "Responsible market" means an entity that:

25 (a) First produces and sells, transfers, or uses recycled organic  
26 product or recycled content feedstock that meets the quality  
27 standards necessary to be used in the creation of new or  
28 reconstituted products;

29 (b) Complies with all applicable federal, state, and local  
30 statutes, rules, ordinances, and other laws governing environmental,  
31 health, safety, and financial responsibility;

32 (c) If the market operates in the state, manages waste according  
33 to the state's solid waste management hierarchy established in RCW  
34 70A.205.005; and

35 (d) Meets the minimum operational standards adopted under a  
36 producer responsibility organization plan to protect the environment,  
37 public health, worker health and safety, and minimize adverse impacts  
38 to socially vulnerable populations.

39 (37) "Responsible producer" means a producer that is not a de  
40 minimis producer.

1 (38) "Retail establishment" includes any person, corporation,  
2 partnership, business, facility, vendor, organization, or individual  
3 that sells or provides merchandise, goods, or materials directly to a  
4 customer.

5 (39) "Return rate" means the amount of reusable covered material  
6 in aggregate or by individual covered materials type, collected for  
7 reuse by a producer or service provider in a calendar year, divided  
8 by the total amount of reusable covered materials introduced by the  
9 relevant unit of measurement.

10 (40) "Reusable" means capable of reuse.

11 (41) "Reuse" means the return of a covered material to the  
12 marketplace and the continued use of the covered material by a  
13 producer or service provider when the covered material is:

14 (a) Intentionally designed and marketed to be used multiple times  
15 for its original intended purpose without a change in form;

16 (b) Designed for durability and maintenance to extend its useful  
17 life and reduce demand for new production of the covered material;

18 (c) Supported by adequate logistics and infrastructure at a  
19 retail location, by a service provider, or on behalf of or by a  
20 producer, that provides convenient access for consumers; and

21 (d) Compliant with all applicable federal, state, and local  
22 statutes, rules, ordinances, and other laws governing health and  
23 safety.

24 (42) "Reuse rate" means the share of units of a reusable covered  
25 material introduced into the state in a calendar year that are  
26 demonstrated and deemed reusable in accordance with an approved plan.

27 (43) "Service provider" means an entity that provides covered  
28 services for covered materials. A government entity that provides,  
29 contracts for, or otherwise arranges for another party to provide  
30 covered services for covered materials within its jurisdiction may be  
31 a service provider regardless of whether it provided, contracted for,  
32 or otherwise arranged for similar services before the approval of the  
33 applicable plan.

34 (44) "Socially vulnerable population" means:

35 (a) Any person residing in:

36 (i) A census tract that contains a high overall social  
37 vulnerability index as measured using the United States centers for  
38 disease control and the agency for toxic substances and disease  
39 registry's social vulnerability index, as it existed as of January 1,  
40 2025, for the most recent year such data are available; or

1 (ii) As applicable, an alternative population specified in RCW  
2 70A.208.270; or

3 (b) Any person that has an income below the minimum necessary for  
4 a household based on family composition in a given geography to  
5 adequately meet their basic needs without public or private  
6 assistance, as measured by the University of Washington's center for  
7 women's welfare, for the most recent year such data are available.

8 (45) "Third-party certification" means certification by an  
9 accredited independent organization that a standard or process  
10 required by this chapter, or by a plan approved under this chapter,  
11 has been achieved.

12 (46) "Toxic substance" means chemicals that are regulated under  
13 chapter 70A.222, 70A.350, 70A.430, or 70A.560 RCW.

14 (47) "Vulnerable populations" has the same meaning as defined in  
15 RCW 70A.02.010.

16 **Sec. 13.** RCW 82.04.765 and 2020 c 20 s 1471 are each amended to  
17 read as follows:

18 (1) This chapter does not apply to the receipts attributable to  
19 the assessment on (~~architectural~~) paint products imposed pursuant  
20 to chapter 70A.515 RCW.

21 (2) This section is not subject to the requirements of RCW  
22 82.32.805 and 82.32.808, and is not subject to an expiration date.

23 **Sec. 14.** RCW 42.56.270 and 2025 c 419 s 9, 2025 c 176 s 1, and  
24 2025 c 81 s 1 are each reenacted and amended to read as follows:

25 The following financial, commercial, and proprietary information  
26 is exempt from disclosure under this chapter:

27 (1) Valuable formulae, designs, drawings, computer source code or  
28 object code, and research data obtained by any agency within five  
29 years of the request for disclosure when disclosure would produce  
30 private gain and public loss;

31 (2) Financial information supplied by or on behalf of a person,  
32 firm, or corporation for the purpose of qualifying to submit a bid or  
33 proposal for (a) a ferry system construction or repair contract as  
34 required by RCW 47.60.680 through 47.60.750; (b) highway construction  
35 or improvement as required by RCW 47.28.070; or (c) alternative  
36 public works contracting procedures as required by RCW 39.10.200  
37 through 39.10.905;

1 (3) Financial and commercial information and records supplied by  
2 private persons pertaining to export services provided under chapters  
3 43.163 and 53.31 RCW, and by persons pertaining to export projects  
4 under RCW 43.23.035;

5 (4) Financial and commercial information and records supplied by  
6 businesses or individuals during application for loans or program  
7 services provided by chapters 43.325, 43.163, 43.160, 43.330, 43.168,  
8 and 43.181 RCW and RCW 43.155.160, or during application for economic  
9 development loans or program services provided by any local agency;

10 (5) Financial information, business plans, examination reports,  
11 and any information produced or obtained in evaluating or examining a  
12 business and industrial development corporation organized or seeking  
13 certification under chapter 31.24 RCW;

14 (6) Financial and commercial information supplied to the state  
15 investment board by any person when the information relates to the  
16 investment of public trust or retirement funds and when disclosure  
17 would result in loss to such funds or in private loss to the  
18 providers of this information;

19 (7) Financial and valuable trade information under RCW 51.36.120;

20 (8) Financial, commercial, operations, and technical and research  
21 information and data submitted to or obtained by the clean Washington  
22 center in applications for, or delivery of, program services under  
23 chapter 70.95H RCW;

24 (9) Financial and commercial information requested by the public  
25 stadium authority from any person or organization that leases or uses  
26 the stadium and exhibition center as defined in RCW 36.102.010;

27 (10)(a) Financial information, including but not limited to  
28 account numbers and values, and other identification numbers supplied  
29 by or on behalf of a person, firm, corporation, limited liability  
30 company, partnership, or other entity related to an application for a  
31 horse racing license submitted pursuant to RCW 67.16.260(1)(b),  
32 cannabis producer, processor, or retailer license, liquor license,  
33 gambling license, or lottery retail license;

34 (b) Proprietary financial and security information submitted to  
35 or obtained by the gambling commission from and on behalf of license  
36 applicants, licensees, gaming facilities, or a tribe pursuant to an  
37 approved tribal/state compact. Proprietary financial and security  
38 information includes, but is not limited to, the following:

39 (i) Financial statements and transactions including but not  
40 limited to independent auditors' reports and financial statements

1 with any supporting documents, bank account records, player tracking  
2 records, bond issuances, loan agreements, purchase agreements, and  
3 stock buyouts. However, quarterly license reports are not exempt;

4 (ii) Information that describes the internal operational system  
5 or internal procedures of the gaming facility designed to promote  
6 efficiency, safeguard assets, and avoid fraud and error, including  
7 but not limited to records pertaining to security camera technical  
8 specifications, operation, and placement; cash out procedures and  
9 locations; cage security information; building access controls; and  
10 personally identifiable information control procedures;

11 (iii) Gaming facility security information, including but not  
12 limited to descriptions of facility layout and schematics, firewall  
13 configurations, network topologies, source code, software files,  
14 cryptographic hashes of software files, risk and security assessment  
15 reports, disaster recovery plans, incident response plans, and any  
16 other sensitive information that may negatively impact the security  
17 of the facility if released; and

18 (iv) Gaming equipment information, including but not limited to  
19 related hardware, software, and security information, such as  
20 firewall configurations, field testing data and results from testing,  
21 network topologies or diagrams, source code, software files,  
22 cryptographic hashes of software files, schematics, user credentials,  
23 system components, and any other sensitive information about the  
24 equipment that may compromise the security and integrity of the  
25 equipment if released;

26 (c) Valuable formulae or financial or proprietary commercial  
27 information records received during a consultative visit or while  
28 providing consultative services to a licensed cannabis business in  
29 accordance with RCW 69.50.561;

30 (11) Proprietary data, trade secrets, or other information that  
31 relates to: (a) A vendor's unique methods of conducting business; (b)  
32 data unique to the product or services of the vendor; or (c)  
33 determining prices or rates to be charged for services, submitted by  
34 any vendor to the department of social and health services or the  
35 health care authority for purposes of the development, acquisition,  
36 or implementation of state purchased health care as defined in RCW  
37 41.05.011;

38 (12)(a) When supplied to and in the records of the department of  
39 commerce:

1 (i) Financial and proprietary information collected from any  
2 person and provided to the department of commerce pursuant to RCW  
3 43.330.050(8);

4 (ii) Financial or proprietary information collected from any  
5 person and provided to the department of commerce or the office of  
6 the governor in connection with the siting, recruitment, expansion,  
7 retention, or relocation of that person's business and until a siting  
8 decision is made, identifying information of any person supplying  
9 information under this subsection and the locations being considered  
10 for siting, relocation, or expansion of a business; and

11 (iii) Financial or proprietary information collected from any  
12 person and provided to the department of commerce pursuant to RCW  
13 43.31.625 (3)(b) and (4);

14 (b) When developed by the department of commerce based on  
15 information as described in (a)(i) of this subsection, any work  
16 product is not exempt from disclosure;

17 (c) For the purposes of this subsection, "siting decision" means  
18 the decision to acquire or not to acquire a site;

19 (d) If there is no written contact for a period of 60 days to the  
20 department of commerce from a person connected with siting,  
21 recruitment, expansion, retention, or relocation of that person's  
22 business, information described in (a)(ii) of this subsection will be  
23 available to the public under this chapter;

24 (13) Financial and proprietary information submitted to or  
25 obtained by the department of ecology or the authority created under  
26 chapter 70A.500 RCW to implement chapter 70A.500 RCW;

27 (14) Financial, commercial, operations, and technical and  
28 research information and data submitted to or obtained by the life  
29 sciences discovery fund authority in applications for, or delivery  
30 of, grants under RCW 43.330.502, to the extent that such information,  
31 if revealed, would reasonably be expected to result in private loss  
32 to the providers of this information;

33 (15) Financial and commercial information provided as evidence to  
34 the department of licensing as required by RCW 19.112.110 or  
35 19.112.120, except information disclosed in aggregate form that does  
36 not permit the identification of information related to individual  
37 fuel licensees;

38 (16) Any production records, mineral assessments, and trade  
39 secrets submitted by a permit holder, mine operator, or landowner to  
40 the department of natural resources under RCW 78.44.085;

1 (17) (a) Farm plans developed by conservation districts, unless  
2 permission to release the farm plan is granted by the landowner or  
3 operator who requested the plan, or the farm plan is used for the  
4 application or issuance of a permit;

5 (b) Farm plans developed under chapter 90.48 RCW and not under  
6 the federal clean water act, 33 U.S.C. Sec. 1251 et seq., are subject  
7 to RCW 42.56.610 and 90.64.190;

8 (18) Financial, commercial, operations, and technical and  
9 research information and data submitted to or obtained by a health  
10 sciences and services authority in applications for, or delivery of,  
11 grants under RCW 35.104.010 through 35.104.060, to the extent that  
12 such information, if revealed, would reasonably be expected to result  
13 in private loss to providers of this information;

14 (19) Information gathered under chapter 19.85 RCW or RCW  
15 34.05.328 that can be identified to a particular business;

16 (20) Financial and commercial information submitted to or  
17 obtained by the University of Washington, other than information the  
18 university is required to disclose under RCW 28B.20.150, when the  
19 information relates to investments in private funds, to the extent  
20 that such information, if revealed, would reasonably be expected to  
21 result in loss to the University of Washington consolidated endowment  
22 fund or to result in private loss to the providers of this  
23 information;

24 (21) Market share data submitted by a manufacturer under RCW  
25 70A.500.190(4);

26 (22) Financial information supplied to the department of  
27 financial institutions, when filed by or on behalf of an issuer of  
28 securities for the purpose of obtaining the exemption from state  
29 securities registration for small securities offerings provided under  
30 RCW 21.20.880 or when filed by or on behalf of an investor for the  
31 purpose of purchasing such securities;

32 (23) Unaggregated or individual notices of a transfer of crude  
33 oil that is financial, proprietary, or commercial information,  
34 submitted to the department of ecology pursuant to RCW  
35 90.56.565(1)(a), and that is in the possession of the department of  
36 ecology or any entity with which the department of ecology has shared  
37 the notice pursuant to RCW 90.56.565;

38 (24) Financial institution and retirement account information,  
39 and building security plan information, supplied to the liquor and  
40 cannabis board pursuant to RCW 69.50.325, 69.50.331, 69.50.342, and

1 69.50.345, when filed by or on behalf of a licensee or prospective  
2 licensee for the purpose of obtaining, maintaining, or renewing a  
3 license to produce, process, transport, or sell cannabis as allowed  
4 under chapter 69.50 RCW;

5 (25) Cannabis transport information, vehicle and driver  
6 identification data, and account numbers or unique access identifiers  
7 issued to private entities for traceability system access, submitted  
8 by an individual or business to the liquor and cannabis board under  
9 the requirements of RCW 69.50.325, 69.50.331, 69.50.342, and  
10 69.50.345 for the purpose of cannabis product traceability.  
11 Disclosure to local, state, and federal officials is not considered  
12 public disclosure for purposes of this section;

13 (26) Financial and commercial information submitted to or  
14 obtained by the retirement board of any city that is responsible for  
15 the management of an employees' retirement system pursuant to the  
16 authority of chapter 35.39 RCW, when the information relates to  
17 investments in private funds, to the extent that such information, if  
18 revealed, would reasonably be expected to result in loss to the  
19 retirement fund or to result in private loss to the providers of this  
20 information except that (a) the names and commitment amounts of the  
21 private funds in which retirement funds are invested and (b) the  
22 aggregate quarterly performance results for a retirement fund's  
23 portfolio of investments in such funds are subject to disclosure;

24 (27) Proprietary financial, commercial, operations, and technical  
25 and research information and data submitted to or obtained by the  
26 liquor and cannabis board in applications for cannabis research  
27 licenses under RCW 69.50.372, or in reports submitted by cannabis  
28 research licensees in accordance with rules adopted by the liquor and  
29 cannabis board under RCW 69.50.372;

30 (28) Trade secrets, technology, proprietary information, and  
31 financial considerations contained in any agreements or contracts,  
32 entered into by a licensed cannabis business under RCW 69.50.395,  
33 which may be submitted to or obtained by the state liquor and  
34 cannabis board;

35 (29) Financial, commercial, operations, and technical and  
36 research information and data submitted to or obtained by the Andy  
37 Hill cancer research endowment program in applications for, or  
38 delivery of, grants under chapter 43.348 RCW, to the extent that such  
39 information, if revealed, would reasonably be expected to result in  
40 private loss to providers of this information;

1 (30) Proprietary information filed with the department of health  
2 under chapter 69.48 RCW;

3 (~~(31) ((Records filed with the department of ecology under chapter  
4 70A.515 RCW that a court has determined are confidential valuable  
5 commercial information under RCW 70A.515.130;~~

6 ~~(32))~~) Unaggregated financial, proprietary, or commercial  
7 information submitted to or obtained by the liquor and cannabis board  
8 in applications for licenses under RCW 66.24.140 or 66.24.145, or in  
9 any reports or remittances submitted by a person licensed under RCW  
10 66.24.140 or 66.24.145 under rules adopted by the liquor and cannabis  
11 board under chapter 66.08 RCW;

12 (~~((33))~~) (32) Formulas and data public risk pools used to  
13 calculate rates for pool member contributions or assessments, and  
14 actuarial analyses and reports prepared by or for public risk pools;  
15 and

16 (~~((34))~~) (33) Unaggregated or individual information submitted to  
17 the department of revenue under RCW 82.17.020 pertaining to the sales  
18 price of zero-emission vehicle credits in transactions between  
19 manufacturers.

20 NEW SECTION. **Sec. 15.** RCW 70A.515.130 (Protection of certain  
21 records from public inspection) and 2019 c 344 s 13 are each  
22 repealed."

23 Correct the title.

EFFECT: (1) Specifies that the following requirements applicable  
to paint products other than architectural paint apply beginning on  
the date that the Department of Ecology has approved a stewardship  
organization plan and the stewardship organization begins to  
implement that plan: (a) That producers of paint products other than  
architectural paint must participate in and fund a paint stewardship  
organization; and (b) that producers and retailers only sell in  
Washington the paint products of producers participating in a  
stewardship organization.

(2) Requires a stewardship organization to submit an updated plan  
addressing all paint products to the Department of Ecology within 12  
months of the adoption of rules by the Department of Ecology.

(3) Requires the stewardship organization to implement the  
updated plan within six months of receiving plan approval from the  
Department of Ecology, rather than by the later of July 1, 2030, or  
within six months of receiving plan approval.

(4) Requires the stewardship organization to provide a  
description of the assessments applied to paint products, and  
provides that the assessments should reflect the costs to the  
stewardship organization for each paint product type.

(5) Requires the stewardship organization to consult with appropriate local governments, rather than local communities, in determining the frequency and location of these collection opportunities in underserved areas.

(6) Makes technical corrections.

--- END ---