
Environment & Energy Committee

HB 1420

Brief Description: Establishing producer responsibility for textiles.

Sponsors: Representatives Reeves, Berry, Mena, Peterson, Ramel, Doglio, Pollet, Ormsby and Hill.

<p style="text-align: center;">Brief Summary of Bill</p> <ul style="list-style-type: none">• Requires producers of apparel and textile products to establish and fund a producer responsibility organization to implement a program for the post-consumer management of apparel and textile products.
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Hearing Date: 1/30/25

Staff: Jacob Lipson (786-7196).

Background:

Under the state's solid waste management laws, local governments are the primary government entity responsible for implementing state solid waste management requirements. The Department of Ecology (Ecology) also has certain roles in overseeing the administration of solid waste management laws. Ecology is responsible for working cooperatively with local governments as they develop their local solid waste management plans. County and city solid waste management plans are required to contain certain elements, including a waste reduction and recycling element.

Under state laws addressing the local planning and management of solid waste, a waste management hierarchy is established for the collection, handling, and management of solid waste. This hierarchy prioritizes in descending order: (1) waste reduction; (2) recycling, with source separation of recyclable materials as the preferred method; (3) energy recovery,

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incineration, or landfill of separated waste; and (4) energy recovery, incineration, or landfill of mixed municipal solid wastes.

The Legislature has enacted laws that require the establishment of extended producer responsibility or product stewardship (EPR) programs for the management of six types of products: (1) electronic products; (2) light bulbs that contain mercury; (3) photovoltaic solar panels; (4) pharmaceuticals; (5) paint; and (6) batteries. In general, the state's EPR programs require producers to participate in a stewardship organization or program that is responsible for the collection, transport, and end-of-life management of products covered by each program. Ecology is responsible for the oversight of the state's EPR programs, with the exception of the Pharmaceutical Stewardship Program, which is overseen by the Department of Health.

The Pollution Control Hearings Board (PCHB) is an appeals board with jurisdiction to hear appeals of certain decisions, orders, and penalties issued by Ecology and several other state agencies. Parties aggrieved by a PCHB decision may obtain subsequent judicial review.

Summary of Bill:

By January 1, 2027, producers of textiles and fashion apparel (covered textile products) must join a producer responsibility organization (PRO) that registers on behalf of the producers with the Department of Ecology (Ecology), or must register independently with Ecology. If applications for more than one PRO are submitted to Ecology, Ecology must determine and register the proposed PRO that can most effectively implement the requirements of a PRO. Ecology may approve the registration of multiple PROs after January 1, 2036.

- Apparel includes undergarments, shirts, pants, skirts, dresses, overalls, bodysuits, costumes, vests, dancewear, suits, saris, scarves, tops, leggings, school uniforms, leisurewear, athletic wear, sports uniforms, swimwear, formal wear, onesies, bibs, footwear, handbags, backpacks, knitted and woven accessories, jackets, coats, snow pants, ski pants, and everyday uniforms for workwear, but does not include personal protective equipment or reusable products designed to collect and absorb urine and feces or designed to collect and absorb menstruation or vaginal discharge.
- Textiles include blankets, curtains, fabric window coverings, knitting and woven accessories, towels, tapestries, bedding, tablecloths, napkins, linens and pillows, but do not include single-use products.
- For each covered textile product, a single specified person—either the product's manufacturer, brand licensee, brand owner, importer of record, distributor of the material in Washington, or another person assigned contractual responsibility as a producer—is defined as the producer responsible for participation in a PRO. Producers do not include sellers of only secondhand products or sellers with less than \$1 million, in annual aggregate global turnover, as adjusted for inflation and measured following a specified process.

By March 1, 2027, Ecology must approve a PRO that meets enumerated requirements, including having a governing board of specified composition and financial responsibility and financial

controls.

Beginning July 1, 2031, or upon the approval by Ecology of a PRO plan for covered textile products, a producer is subject to penalties if the producer is not a member of a PRO plan that accounts for all of the producer's covered textile products.

Duties assigned to the PRO for the management of covered textile products include:

- preparing and covering the costs of a needs assessment addressing 13 specified categories of topics, which must be initially submitted to Ecology for approval by March 1, 2028, and updated at least every five years;
- preparing a plan, which must be submitted to Ecology for approval by January 1, 2029 and updated every five years, informed by the needs assessment, that contains specified information regarding how the PRO will manage covered textile products;
- developing a contingency plan demonstrating how the covered textile product activities under the plan will be carried out in the event that the PRO can no longer carry out plan implementation for specified reasons;
- beginning to implement an approved plan by April 1, 2031, and fully implementing the plan by January 1, 2032;
- paying all administrative and operational costs associated with establishing the program;
- managing collection sites for covered textile products, including a system of free and convenient drop-off or collection systems that includes all sites meeting standards that offer to participate, and that meet minimum convenience standards for statewide distribution based on population density;
- providing for the transport of covered textile products from collection sites to sorters, repair businesses, nonprofit organization, or recycling facilities;
- handling and managing covered textile products in a manner consistent with the state's waste management hierarchy, including the establishment of incentives for reuse over recycling and management practices to minimize disposal;
- establishing and achieving annual and five-year performance standards and metrics, which may include performance standards established by Ecology after March 1, 2033;
- implementing a statewide education and outreach program that meets minimum specified standards;
- actions and investments to avoid contamination from toxic chemicals in recycling processes and end markets for textile materials; and
- reporting noncompliant producers to Ecology.

A PRO must establish a method of fully funding its activities that distributes costs among participating producers in a manner that reflects sales volumes and includes an eco-modulated fee that considers the cost of managing covered textile products to incentivize design choices that facilitate reuse, repair, and recycling and disincentivize practices and materials that do not support the PRO's obligations. Plans must include a proposed 5-year budget for the PRO with budgeted cost categories for different PRO obligations and activities. A PRO must retain an independent public accountant to annually audit the PRO's accounting, to be reviewed by Ecology for compliance. A PRO must also submit an annual report to Ecology regarding 23

specified aspects of its activities during the preceding calendar year.

Ecology must implement, administer, and enforce program requirements, including the imposition of civil penalties, following specified procedures, on producers, PROs, and persons that sell or distribute covered textile products of noncompliant producers. Penalties are appealable to the Pollution Control Hearings Board (PCHB), and collected penalties are deposited in the Model Toxics Control Operating Account. Each PRO must pay fees to Ecology to cover its costs to implement and enforce requirements.

Retailers, importers, distributors, and online marketplaces that sell covered textile products must monitor a webpage created by Ecology that lists covered producers and brands, and may not sell covered textile products whose producer is not listed as being in compliance. Additional requirements apply to online marketplaces, including notifying Ecology of all third-party sellers with over \$1 million in gross sales on the online marketplace.

Producers of covered textile products and PROs are granted immunity from state antitrust and unfair trade laws for specified actions related to the PRO's plan implementation. A PRO may not use funds collected for plan implementation to pay administrative penalties, appeal enforcement actions, fund litigation, or pay for lobbying or advertising.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.