

# HOUSE BILL REPORT

## HB 1420

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**As Reported by House Committee On:**  
Environment & Energy

**Title:** An act relating to establishing producer responsibility for textiles.

**Brief Description:** Establishing producer responsibility for textiles.

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

**Brief History:**

**Committee Activity:**

Environment & Energy: 1/30/25, 2/13/25 [DPS], 1/15/26, 1/29/26 [DP2S].

**Brief Summary of Second Substitute Bill**

- Requires producers of apparel and textile products to establish and fund a Textile and Apparel Coordinating Organization to carry out a needs assessment for the management of apparel and textile products.

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### HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass. Signed by 12 members: Representatives Doglio, Chair; Hall, Vice Chair; Berry, Duerr, Fey, Hackney, Kloba, Mena, Ramel, Stearns, Street and Wylie.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Dye, Ranking Minority Member; Klicker, Assistant Ranking Member; Abell and Ley.

**Minority Report:** Without recommendation. Signed by 5 members: Representatives Abbarno, Barnard, Mendoza, Stuebe and Ybarra.

**Staff:** Jacob Lipson (786-7196).

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

## **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, 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 seven types of products: (1) electronic products; (2) light bulbs that contain mercury; (3) photovoltaic solar panels; (4) pharmaceuticals; (5) paint; (6) batteries; and (7) packaging and paper products. 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.

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## **Summary of Bill (Second Substitute):**

By January 31, 2027, producers of textiles and apparel (covered textile products) must join a textile and apparel coordinating organization (TACO) 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 TACO are submitted to Ecology, Ecology must determine and register the proposed TACO that can most effectively implement the requirements of a TACO.

- Apparel includes, but is not limited to, 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, workwear and uniforms, but does not include personal protective equipment or disposable or reusable products designed to collect and absorb urine and feces or designed to collect and absorb menstruation or vaginal discharge.

- Textiles include but are not limited to blankets, curtains, fabric window coverings, accessories, towels, tapestries, bedding, tablecloths, napkins, linens, signage, 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, 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 TACO. 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 15, 2027, Ecology must approve a TACO that meets enumerated requirements, including having a governing board of specified composition, and financial responsibility and financial controls. By June 1, 2027, each producer must be a member of a registered TACO. By June 15, 2027, each TACO must provide Ecology a list of brands of covered textile products of each member producer.

The TACO must prepare and cover the costs of a needs assessment for covered textile products, in consultation with Ecology. The needs assessment must be designed to determine the necessary steps and investment for successful implementation of a future extended producer responsibility (EPR) program for covered textile products, and be based on specified assumptions, including:

- assumptions about the covered textile product collection system convenience standards;
- assumptions about the processes for the transport of collected covered textile products; and
- assumptions about the post-collection management standards an EPR program would be required to meet.

The needs assessment must:

- be designed to inform a budget and plan for an EPR program;
- propose and rely upon quantifiable performance standards; and
- evaluate 13 specified categories of topics related to covered textile products.

A TACO may ask Ecology for approval to do multiple needs assessments specific to different covered textile products, or may prepare a single comprehensive needs assessment. A TACO may select an independent third-party contractor to complete the needs assessment. Ecology must support and provide technical input on needs assessment development. The needs assessment may be developed in conjunction with, or use information from, similar EPR evaluative processes in other jurisdictions.

The needs assessment must be submitted to Ecology by March 1, 2028. Ecology must review and approve, conditionally approve, or disapprove of submitted needs assessments within 90 days of submission. In the event of disapproval, a TACO must resubmit the

needs assessment within 60 days.

Ecology must submit the needs assessment, together with recommendations based on the needs assessment, to the appropriate committees of the Legislature by September 15, 2028. Ecology's recommendations should include proposed deviations from the established definitions, including the scope of "producers" and "covered textile products" to be addressed in an EPR program, and whether to allow multiple producer responsibility organizations to implement a future EPR program.

Ecology must establish and appoint the membership of a Textile and Apparel Advisory Council (advisory council) by January 31, 2027. Membership must consist of members representing a total of 16 specified types of interests, including nonvoting members representing Ecology and each TACO. The advisory council must review activities conducted by the TACO and advise the TACO and Ecology.

Ecology may adopt rules to implement, administer, and enforce TACO-related requirements. Ecology may impose civil penalties of up to \$1,000 per day to persons for violations of registration or needs assessment requirements for initial violations, or up to \$10,000 for second and subsequent violations. Ecology must issue at least one written notification of a violation prior to imposing penalties. Ecology may also impose penalties of up to \$10,000 per violation per day to TACOs for initial violations, or up to \$50,000 for second and subsequent violations. Penalties are appealable to the Pollution Control Hearings Board, and collected penalties are deposited in the Model Toxics Control Operating Account.

A TACO must establish a method of fully funding its activities that equitably distributes costs among participating producers. Each TACO must pay fees to Ecology to cover its costs to implement and enforce requirements, including an initial annual payment to cover cost through June 30, 2028, and a second payment due on May 31, 2028, to cover Ecology's costs for the coming fiscal year.

Individual producer financial or sales data reported to Ecology is exempt from disclosure under the Public Records Act. A TACO, producer, or other entity that submits information to Ecology may also request that it be exempt from public disclosure using Ecology's established practices for the management of confidential business information.

By June 30, 2027, online marketplaces must notify Ecology and the TACO of all third-party sellers with sales of covered textile products over \$1 million in calendar year 2026 on their online marketplace.

Producers of covered textile products and TACOs are granted immunity from state antitrust and unfair trade laws for registration and needs assessment related activities. A TACO may not use funds collected for the needs assessment to pay administrative penalties, appeal enforcement actions, fund litigation, or pay for lobbying or advertising.

All requirements related to the TACOs expire on July 1, 2030.

**Second Substitute Bill Compared to Original Bill:**

Substitute House Bill 1420 makes the following changes to the original bill:

- eliminates the requirement that producers establish and fund a producer responsibility organization to implement a plan and program for the postconsumer management of textile and apparel products, including provisions establishing performance standards, convenience standards, service provider reimbursements, and other program components;
- requires producers of textiles and apparel (covered textile products) establish and fund a Textile and Apparel Coordinating Organization (TACO) until July 1, 2030;
- requires producers of covered textile products to appoint a TACO by January 31, 2027; requires TACOs to register with the Department of Ecology (Ecology) on behalf of producers by March 1, 2027; and requires producers to be a member of a registered TACO by June 1, 2027;
- requires Ecology to approve the registration of a single TACO, not including any individual producers registering as a TACO;
- establishes an advisory council, comprised of specified membership, to review textile and apparel activities, including the TACO needs assessment, and provide input to Ecology and TACOs;
- requires each TACO to submit an initial payment by June 30, 2027, to Ecology to cover Ecology's costs through June 30, 2028, and a second registration fee by March 31, 2028, to cover estimated Ecology costs in the coming fiscal year;
- requires a TACO to carry out a statewide needs assessment by March 1, 2028, in consultation with Ecology, to determine the necessary steps and investment for implementation of an extended producer responsibility (EPR) program for covered textile products;
- requires Ecology to submit the needs assessment to the Legislature by September 15, 2028, together with recommendations on the design of an EPR program for covered textile products;
- requires the TACO's needs assessment to be based on specified presumptions about a future EPR program, including:
  - assumptions about the covered textile product collection system convenience standards;
  - assumptions about the processes for the transport of collected covered textile products; and
  - assumptions about the post-collection management standards an EPR program would be required to meet;
- requires the needs assessment to evaluate specified factors, including the existing scope and scale of certain covered textile product management activities and systems, and funding and incentive mechanisms, including eco-modulated fees;
- establishes processes and deadlines for the TACO's completion of the needs

- assessment, including authorizing a TACO to hire an independent third-party contractor for the needs assessment, and allowing the needs assessment to be developed in conjunction with, or using information from, similar evaluative processes for covered textile product EPR programs in other jurisdictions;
- authorizes Ecology to adopt rules, approve a TACO's submitted needs assessment, and enforce registration and needs assessment requirements related to covered textile products.
  - prohibits TACOs from using member funds collected to implement a needs assessment for the payment of penalties, litigation, or other specified activities; and
  - expires all requirements related to TACOs and covered textile products as of July 1, 2030.

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**Appropriation:** None.

**Fiscal Note:** Available.

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

**Staff Summary of Public Testimony:**

(In support) Dozens of organizations met regularly after the last legislative session for discussions on how to improve the proposal to establish a textile and apparel producer responsibility program. This is a big and complex policy proposal, with many nuances and competing interests to consider. Global clothing sales have been increasing, while the number of times clothes are worn has decreased, and most end up in the landfill or exported to other countries. Clothes are a growing portion of local government solid waste streams.

Product innovation is stifled because it is easy to consume more clothes, and we have not built a circular economy. Even thrift shops are becoming overwhelmed by the volume of used clothing they receive. Textiles are primarily composed of plastics and contribute to microplastic pollution of oceans. Clothes also contain polluting chemicals. An EPR Program will incentivize more sustainable material choices. The apparel industry should take responsibility for the problems caused by their products.

(Opposed) The requirement for large apparel producers to report on global supply chains is infeasible. California only recently enacted their textile program and have not yet fully implemented it. Washington should wait to see how California works through the difficulties they are experiencing in setting up their program before committing to an approach. Retailers should have a role on the board of the producer responsibility organization. A needs assessment should be conducted before a full program is established.

Restaurant uniforms should not be covered textiles, and restaurants should not be regulated

as apparel producers. EPR programs may work well in general, but it is important to get the definitions and incentives right, and to not negatively impact aspects of the current system that may be working well. Technologies regulated by the US Food and Drug Administration should be more clearly exempted, such as surgical gowns and medical products.

(Other) Managing clothing solid waste is difficult for counties because it is a material that interrupts recycling and sorting processes. Consumers place clothing in recycling bins because they wish it was recyclable. Ecology supports producer responsibility for textiles, but the proposal contains costs not in the governor's budget. Clothing presents a significant environmental challenge. The Department of Health has completed a health impact review of the proposed EPR Program for apparel and textiles. Hygiene products are not apparel and are correctly excluded from the proposed program, just as they were in California. Existing nonprofit collection locations should be prioritized by the program.

**Persons Testifying:** (In support) Representative Kristine Reeves, prime sponsor; McKenna Morrigan, Seattle Public Utilities; Amanda Miller, South King Tool Library; Heather Trim, Zero Waste Washington; and Miguela Marzolf, Seattle Aquarium.

(Opposed) Kerry Dolan, Washington Hospitality Association; Darbi Gottlieb, AdvaMed; Crystal Leatherman, Washington Retail Association; Peter Godlewski, Association of Washington Business; Chelsea Murtha, American Apparel and Footwear Association; and Jessica Franken, Secondary Materials and Recycled Textiles Association (SMART).

(Other) Edwin Borbon, The Center for Baby and Adult Hygiene Products (BAHP); Teresa Birge, American Circular Textiles; Hanna Jones, Goodwill; Lindsay Herendeen, Washington State Board of Health; Peter Lyon, Washington Department of Ecology, Solid Waste Management Program; and Travis Dutton, Washington State Association of Counties.

**Persons Signed In To Testify But Not Testifying:** Cameron Curtis, Secondary Materials and Recycled Textiles Assoc.