

HOUSE BILL REPORT

HB 1497

As Reported by House Committee On:

Environment & Energy
Appropriations

Title: An act relating to improving outcomes associated with waste material management systems, including organic materials management systems.

Brief Description: Improving outcomes associated with waste material management systems.

Sponsors: Representatives Doglio, Reeves, Berry, Reed, Parshley, Ramel, Pollet, Hill and Scott.

Brief History:

Committee Activity:

Environment & Energy: 1/28/25, 2/6/25 [DPS];
Appropriations: 2/19/25, 2/26/25 [DP2S(w/o sub ENVI)].

Brief Summary of Second Substitute Bill

- Establishes and amends various requirements and programs related to food waste and wasted food, organic materials management, and solid waste collection and disposal.

HOUSE COMMITTEE ON ENVIRONMENT & ENERGY

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Doglio, Chair; Hunt, Vice Chair; Dye, Ranking Minority Member; Berry, Duerr, Fey, Fitzgibbon, Kloba, Mena, Ramel, Stearns, Wylie and Ybarra.

Minority Report: Without recommendation. Signed by 7 members: Representatives Klicker, Assistant Ranking Member; Abbarno, Abell, Barnard, Ley, Mendoza and Stuebe.

Staff: Jacob Lipson (786-7196).

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:

Solid Waste Organic Materials, and Food Waste Management.

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. Ecology also evaluates, analyzes, and monitors the state's solid waste stream, and develops a statewide solid waste plan that, in part, addresses organic material wastes.

County and city solid waste management plans are required to contain certain elements, including a waste-reduction and recycling element. This element must include waste-reduction strategies, recycling strategies, and source-separation strategies.

Since 2019 Washington has had an established goal to reduce the annual generation of food waste by 50 percent by 2030. A subset of the goal includes a prevention goal related to edible food waste. In order to achieve the 2030 food waste-reduction goal, Ecology, working with other state agencies, adopted the Use Food Well Washington plan in December 2021. The Use Food Well Washington plan contained 30 federal and state policy recommendations.

In 2022 the Legislature enacted House Bill 1799 (HB 1799), which established a variety of new requirements related to organic material management. Organic materials are specified to include manure, yard waste, food waste, food processing wastes, wood wastes, and garden waste. Organic materials do not include chemically or biologically contaminated materials that would render the finished product of an organic material management process, such as composting or anaerobic digestion, unsuitable for general public or agricultural use. House Bill 1799 established goals for organic material management (state organics goals), including a goal for the landfill disposal of organic materials at a level in 2030 that is 75 percent less than in 2015, and a goal that at least 20 percent of the volume of edible food disposed of as of 2015 be recovered for human consumption by 2025. The state organics goals are in addition to the food waste-reduction goals established in 2019. House Bill 1799 also established:

- the Washington Center for Sustainable Food Management (Center) in Ecology, with the purpose of helping coordinate statewide food waste-reduction; and
- a compost reimbursement program for farmers administered by the Washington State Department of Agriculture (WSDA).

In 2024 the Legislature enacted House Bill 2301 (HB 2301), which, among other contents, amended a number of requirements originally contained in HB 1799, and established a new grant program through the Center to implement the policies contained in HB 1799 and HB 2301. Local governments, federally recognized Indian tribes, nonprofit organizations, businesses subject to organic material management collection obligations, and organic

material management facilities are all eligible for funding.

Organic Materials Management Requirements for Businesses.

Since 2024 businesses that generate over a specified volume of organics materials that are located in jurisdictions or portions of jurisdictions where Ecology has determined organic materials management services and processing facility capacity is available must arrange for organic materials management services specifically for organic material waste. These requirements are phased in to apply as follows:

- beginning January 1, 2024, for businesses that generate at least 8 cubic yards of organic material waste per week;
- beginning January 1, 2025, for businesses that generate at least 4 cubic yards of organic material waste per week; and
- beginning January 1, 2026, for businesses that generate at least 96 gallons of organic material waste per week.

Certain types of wastes, such as organic wastes managed on-site, do not apply to these service requirements.

Local Government Organic Material Collection and Management Requirements.

Beginning in 2027, certain local governments that implement a solid waste plan must provide year-round, source-separated organic solid waste collection services to single-family residents and certain nonresidential customers. Beginning in 2030, persons, other than multifamily residences, may only use source-separated organic material collection services to discard unwanted organic materials for curbside disposal.

State Building Code Council.

The State Building Code Council (SBCC) is a state agency that adopts and triennially updates the State Building Code (Code). The Code adopted by the SBCC establishes the minimum building, mechanical, fire, plumbing, and energy code requirements applicable to the construction of buildings. Model codes and standards adopted in the Code include the International Building Code, the International Residential Code, and the Energy Code.

Cities and counties are authorized to amend the Code as it applies within the jurisdiction of the city or county. Under the Code, local jurisdictions must require that space be provided for the storage of recycled materials, compost, and solid waste for all new buildings. The storage area must be designed to meet the needs of the occupants of the building, efficiency of pickup, and must be available to occupants and haulers.

Compostable Product Labeling.

Since 2019 state law has established a variety of requirements related to how the degradability of plastic or nonplastic products is communicated by labels, tinting, and coloring. Products that meet technical specifications to be considered compostable must be labeled as compostable, must use a specified logo, and must use green, brown, or beige labeling, color striping, or other marks that help differentiate compostable items from

noncompostable materials. Product degradability labeling requirements are enforced by Ecology.

School Food Programs.

The WSDA implements a Farm-to-School program to increase procurement of Washington-grown food by schools. The Farm-to-School program is one of several programs implemented by the WSDA as regional markets programs, and is coordinated with the Office of Superintendent of Public Instruction (OSPI). As part of the Farm-to-School program, the WSDA's duties include assisting schools in connecting with producers regarding the sources and availability of Washington-grown food.

Common schools in Washington are subject to curriculum requirements set by state law. These requirements include that all common schools provide instruction in, among other things, reading, arithmetic, and science with special reference to the environment. In addition, the OSPI may prescribe other required curriculum areas by rule. The OSPI requires instruction about conservation, natural resources, and the environment be provided at all grade levels.

Summary of Substitute Bill:

Solid Waste Collection Bin Colors and Labels.

Beginning January 1, 2028, solid waste collection containers that are smaller than 101 gallons and provided to customers for collection services must meet color coding requirements to reduce contamination:

- Gray or black containers may be used: (1) for any solid waste that is not source-separated where source-separated recyclable materials and source-separated organic materials are not collected separately; and (2) for solid waste other than organic or recyclable materials, where source-separated recyclable materials and source-separated organic materials are collected separately.
- Blue containers may be used only for source-separated recyclable materials, and contents of blue containers must be intended for transport to facilities that would recover the materials.
- Green or brown containers may be used only for source-separated organic materials, and contents of these containers must be intended for transport to organic material management facilities. Carpets, noncompostable paper, and hazardous wood waste may not be collected in green or brown containers.
- Other colors may be used in accordance with any statewide standards developed by Ecology.
- A dark green color may continue to be used for solid waste other than recyclable materials, upon a jurisdiction petitioning and receiving approval by Ecology.

These requirements do not apply to solid waste collection containers purchased prior to August 1, 2025. Jurisdictions and solid waste collection companies are not required to

replace functional containers or lids to match coloring requirements. Jurisdictions may petition Ecology for a waiver from collection container color-coding requirements. Ecology must grant waivers for jurisdictions to implement charitable fundraising programs, and may grant petitions to jurisdictions if compliance with color-coding requirements is not feasible. Ecology may determine appropriate container colors for materials that could be placed into multiple types of containers.

By January 1, 2028, each curbside, commercial, or public place waste collection container must bear a label on the container and lid to specify the categories of materials that may be placed in the container. Labeling requirements do not apply to containers that are planned for removal from service prior to 2030.

Ecology's Center for Sustainable Food Management.

Ecology must develop an education and outreach program for residential organics source-separation participation and contamination reduction, including:

- an assessment of barriers and motivators for food scrap source-separation;
- pilot strategies to motivate residents to increase organics diversion and reduce contamination; and
- a toolkit for city and county voluntary use that includes recommended performance metrics to measure residential organics diversion, to be accompanied by an Ecology-implemented statewide education campaign by January 1, 2029.

The Center's grant program for implementing the policies contained in HB 1799 and HB 2301 is expanded to also include implementation of the new policies contained in this act, including solid waste collection container coloring and labeling requirements. Entities that are not in compliance with bin coloring and labeling requirements are not eligible for funding from the Center's policy implementation grant program. Local government recipients of policy implementation funding must provide performance metric data related to organic materials diversion developed by Ecology. Ecology must adopt rules to identify minimum measurement and reporting requirements related to performance metric data.

Business Organic Material Management Service Requirements.

Ecology must create and publish on its website a list of businesses that are likely to require organic material management collection services, including the methodology to determine such business. Ecology may hire an independent third party to support the list creation. The list must be designed to facilitate education and outreach by solid waste companies and local governments and enforcement. Solid waste collection companies may be required to furnish information to Ecology that will assist in the creation of the list. Solid waste collection companies may request this information be kept confidential for use by Ecology, and Ecology must grant this request if consistent with Ecology's existing practices for the protection of confidential business information.

Penalties are established specifically for violations by businesses of requirements to obtain organic material management services. A minimum civil penalty of \$500 per day for a first

violation, \$750 for a second violation, and \$1,000 per day for additional violations apply to business organic material management service requirements, and may be imposed by a jurisdiction implementing a local solid waste management plan or a jurisdictional health department. A jurisdiction or jurisdictional health department may adopt civil penalties that exceed these minimum requirements. Penalties imposed on a small business may not exceed \$10,000 per year. Penalties may be appealed to the Pollution Control Hearings Board. Prior to the imposition of penalties, a jurisdictional health department or jurisdiction must issue a letter informing the business of organic material collection requirements, and a subsequent notice of violation.

Multifamily Organic Material Management.

Jurisdictions implementing a local solid waste management plan that submit a preliminary draft solid waste management plan to Ecology after July 2025 must include programs and establish a timeline to implement a phase-in to require collection of source-separated organic materials from multifamily residences in areas where source-separation requirements apply to single-family residences. The programs and phase-in must include required collection of source-separated organic materials from newly constructed or substantially remodeled multifamily residences after the local solid waste plan takes effect. Programs may allow waivers from multifamily collection requirements to address space constraints.

Cities and counties may require owners or operators of new or existing multifamily residential buildings to:

- provide space for organic material collection colocation with recycling and garbage collection;
- identify organic waste containers with appropriate signage and colors; and
- annually provide waste sorting educational materials to building residents.

The state building code must facilitate the collection of source-separated organic materials from new multifamily residential and commercial buildings by ensuring adequate storage space for solid waste collection containers, including source-separated organic materials.

Compostable Product Labeling.

Ecology may grant exemptions to on-product logo, coloring, wording, and marking requirements for paper-based sheets intended for use in a cooking process. This exemption must apply only to on-product marking requirements, and the packaging of such items must meet the labeling and marking requirements that would otherwise apply to the product.

School Food Waste.

The Office of Superintendent of Public Instruction (OSPI) must identify or develop open educational resources for use by schools to integrate specific curricula content standards to help support and prioritize food waste-reduction in schools. Subject to appropriation, the OSPI must provide grants to support food waste-reduction efforts, including infrastructure and educational resources.

By January 1, 2027, the OSPI must leverage existing programs to identify food waste-reduction educational best practices and ways to overcome food waste-reduction barriers in schools.

As part of the Washington State Department of Agriculture's (WSDA) Farm-to-School program, the WSDA must assist schools in connecting with local producers by informing them specifically of Washington grown food that might be going to waste. Regional markets programs implemented by the WSDA that support school districts may include food waste-reduction activities through the purchased of Washington-grown produce.

Substitute Bill Compared to Original Bill:

The substitute bill makes the following changes to the original bill, it:

- makes subject to appropriation the responsibility for the Department of Ecology (Ecology) to develop an education and outreach program.
- specifies that bin color requirements are among the new eligible uses under Ecology's 2024 organic material management policy implementation grant program.
- amends solid waste collection container coloring requirements, including by:
 - eliminating the specific exemption for Whatcom County;
 - authorizing jurisdictions to petition Ecology for an exemption from color-coding requirements if not feasible;
 - requiring Ecology to grant petitions by jurisdictions for exemptions from color-coding requirements in order to implement charitable programs, such as fundraising programs; and
 - specifying that color-coding requirements do not apply to solid waste collection containers purchased prior to August 1, 2025;
- amends solid waste collection container labeling requirements, including by:
 - delaying the start date for labeling requirements from January 1, 2027, to January 1, 2028;
 - requiring the label to specify the categories of materials to be placed in the solid waste collection container, rather than the specific material that can be placed in the container;
 - exempting solid waste collection containers from labeling requirements that are planned for removal from service prior to 2030;
 - encouraging jurisdictions to provide labels in multiple languages and that specify the individual types of materials within each category of material that may be placed in each type of container; and
 - eliminating the obligation for Ecology to provide model labeling text and graphic images, for local governments and solid waste collection companies;
- authorizing feasibility waivers based on space constraints under local government programs to phase-in collection of organic materials from multifamily residences;
- requiring the state building code provisions addressing new multifamily residential and commercial buildings to ensure sufficient space is allocated for solid waste

- storage, including source-separated organic materials;
 - amends the provisions addressing the penalties for businesses for violations of organic material collection service requirements, including by:
 - requiring a local government or jurisdictional health department to mail a notification letter to a business, and then a notice of violation subsequent to this letter, prior to the imposition of penalties;
 - limiting the annual penalties that can be imposed on a small business to \$10,000; and
 - providing for appeals of penalties to the Pollution Control Hearings Board;
 - eliminating the voluntary donation program to fund voluntary state programs that incentivize carbon sequestering agricultural practices; and
 - authorizing Ecology to grant exemptions from on-product marking requirements for paper-based sheets that are compostable products.
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Appropriation: None.

Fiscal Note: Preliminary fiscal note available.

Effective Date of 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) The Legislature has enacted numerous bills in recent years with a goal of reducing food waste. Working on this topic has taken a lot of stakeholder work and negotiation that is important to getting the policy details right. New organics legislation may not be necessary with so many policies in the middle of being implemented, including ongoing rulemaking by Ecology to address contamination. Organics materials management, agriculture, climate, and hunger relief policies are intertwined. Food waste is a significant contributor to methane emissions from landfills. Diverting food waste from landfills has numerous beneficial environmental outcomes. The bill establishes a number of policies that will take several years to fully implement, but will make a long-term difference in helping reduce food waste. Organics collection from multifamily residential housing poses unique challenges but can be done effectively, is a significant source of food waste, and is important for state policies to address. Consistent bin coloring schemes as well as an education and outreach campaign will reduce public confusion and accidental contamination of composting systems. A variety of school food waste reduction efforts are recommended in Ecology's Use Food Well Washington plan. Penalties for violations of organic material collection requirements are an important incentive for businesses to comply with the current law. A voluntary funding program for sustainable carbon sequestration programs will allow restaurant customers to feel good about their purchases and provide critical funding to agricultural producers to adopt environmentally friendly practices. Lots of feedback from negotiating sessions has been incorporated into this bill.

(Opposed) None.

(Other) Businesses should be notified when organic material collection services are available to them, and should not be penalized without receiving warnings first. A robust stakeholder process has gone into the development of this bill, and feedback from interested parties has largely been incorporated. Consumer education and outreach is important to reduce waste stream contamination, and a public campaign should be implemented before 2029 if funds were to become available. The plan to phase-in the collection of organic materials from multifamily residences is logical. The standardized solid waste collection container requirements would benefit from additional flexibility to accommodate unique local circumstances, and present funding challenges. County solid waste funding, which relies on landfill tipping fees, needs to be made more sustainable, but is not helped by this bill.

Persons Testifying: (In support) Representative Beth Doglio, prime sponsor; Robbette Schmit, WintonMFG Compost Works; Heather Trim, Zero Waste Washington; Anthony Myint, Zero Foodprint; Aaron Czyzewski, Food Lifeline; Brian Bonlender, DTG Recycle; Nick Streuli, Washington Refuse and Recycling Association; Kate White Tudor, Natural Resources Defense Council; Chris Thomas, Divert Inc.; Scott Smithline, Mill Industries; and McKenna Morrigan, Seattle Public Utilities.

(Opposed) None.

(Other) Samantha Louderback, Washington Hospitality Association; Katie Beeson, Washington Food Industry Association; Rick Vahl, Waste Connections; and Travis Dutton, Washington State Association of Counties.

Persons Signed In To Testify But Not Testifying: None.

HOUSE COMMITTEE ON APPROPRIATIONS

Majority Report: The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Environment & Energy. Signed by 19 members: Representatives Ormsby, Chair; Gregerson, Vice Chair; Macri, Vice Chair; Berg, Bergquist, Callan, Cortes, Doglio, Fitzgibbon, Leavitt, Lekanoff, Peterson, Pollet, Ryu, Springer, Stonier, Street, Thai and Tharinger.

Minority Report: Do not pass. Signed by 12 members: Representatives Couture, Ranking Minority Member; Connors, Assistant Ranking Minority Member; Penner, Assistant Ranking Minority Member; Schmick, Assistant Ranking Minority Member; Burnett, Caldier, Corry, Dye, Keaton, Manjarrez, Marshall and Rude.

Staff: Dan Jones (786-7118).

Summary of Recommendation of Committee On Appropriations Compared to Recommendation of Committee On Environment & Energy:

The second substitute bill:

- eliminates the requirement that the Department of Ecology (Ecology) develop an education and outreach program for organics source-separation and contamination reduction;
- eliminates requirements that grant recipients from Ecology's organic material management policy implementation grants provide performance metric data consistent with a toolkit developed by Ecology under the eliminated education and outreach program;
- delays the phase-in of multifamily residential organic material collection service requirements to apply only to local solid waste plans that are submitted, in preliminary draft form, to Ecology after July 1, 2026;
- delays the imposition of penalties on businesses related to organic material collection service requirements until July 1, 2026;
- eliminates the new grant program to support school food waste reduction efforts administered by the Office of the Superintendent of Public Instruction;
- provides a statutory exemption from on-product marking requirements related to the degradability of products for certain paper-based sheets, rather than providing for a waiver process administered by Ecology; and
- makes the bill null and void if specific funding is not provided in the operating budget by June 30, 2025.

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. However, the bill is null and void unless funded in the budget.

Staff Summary of Public Testimony:

(In support) Much of what goes to landfills and incinerators is food, and that food rots and releases methane, which is a more potent climate pollutant than carbon dioxide. There are 10 states with organic waste bans, and those states have seen food waste reductions. The bill would help educate our students. The costs in the fiscal note could be reduced. The changes made in the policy committee were appreciated. The bill helps support outreach and standardized collection bin coloring.

(Opposed) None.

Persons Testifying: Heather Trim, Zero Waste Washington; Kate White Tudor, Natural

Resources Defense Council; Rick Vahl, Waste Connections; and Erin Gagnon, DTG Recycle.

Persons Signed In To Testify But Not Testifying: None.