

SENATE BILL REPORT

ESHB 1293

As Reported by Senate Committee On:
Environment, Energy & Technology, April 1, 2025
Ways & Means, April 8, 2025

Title: An act relating to litter.

Brief Description: Concerning litter.

Sponsors: House Committee on Appropriations (originally sponsored by Representatives Klicker, Dye, Connors, Barkis, Eslick, Caldier and Kloba).

Brief History: Passed House: 3/6/25, 90-7.

Committee Activity: Environment, Energy & Technology: 3/18/25, 4/01/25 [DPA-WM, DNP, w/oRec].

Ways & Means: 4/05/25, 4/08/25 [DPA (ENET)].

Brief Summary of Amended Bill

- Raises the penalty for littering from a class 3 civil infraction to a class 2 civil infraction and specifies that this penalty is in addition to any penalty imposed for materials thrown or dropped onto state highways.
- Delays the increase in the fee and the minimum allowable thickness of reusable plastic carryout bags from January 1, 2026, to January 1, 2028.

SENATE COMMITTEE ON ENVIRONMENT, ENERGY & TECHNOLOGY

Majority Report: Do pass as amended and be referred to Committee on Ways & Means.
Signed by Senators Shewmake, Chair; Slatter, Vice Chair; Dhingra, Liias, Lovelett, Ramos and Wellman.

Minority Report: Do not pass.
Signed by Senator Harris.

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.

Minority Report: That it be referred without recommendation.

Signed by Senators Boehnke, Ranking Member; MacEwen and Short.

Staff: Alicia Kinne-Clawson (786-7407)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass as amended by Committee on Environment, Energy & Technology.

Signed by Senators Robinson, Chair; Stanford, Vice Chair, Operating; Trudeau, Vice Chair, Capital; Frame, Vice Chair, Finance; Gildon, Ranking Member, Operating; Torres, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Dozier, Assistant Ranking Member, Capital; Boehnke, Braun, Cleveland, Conway, Dhingra, Hansen, Hasegawa, Kauffman, Muzzall, Pedersen, Riccelli, Saldaña, Wagoner, Warnick, Wellman and Wilson, C..

Staff: Alia Kennedy (786-7405)

Background: Litter Penalties. The Waste Reduction, Recycling, and Litter Control Act (WRRLCA) prohibits littering and establishes statewide programs to prevent and clean up litter, reduce waste, and increase recycling. WRRLCA directs the Department of Ecology (Ecology) to control and remove litter.

Littering less than or equal to one cubic foot is a class 3 civil infraction with a base penalty of \$50. Throwing or dropping material onto state highways is a separate traffic infraction with a base penalty of \$93. Many cities and counties have local ordinances that are stricter than state law.

State civil infractions are divided into four levels. Class 1 is the most serious and carries the highest fine, while class 4 is the least serious and carries the lowest fine.

Plastic Bag Regulations. Until December 31, 2025, retail establishments must collect an \$0.08 pass-through charge when providing a reusable plastic film bag or carryout paper bag that is at least 882 cubic inches. Beginning January 1, 2026, the pass-through charge for reusable carryout plastic film bags is \$0.12. A retail establishment is prohibited from reimbursing a customer any portion of the pass-through charge.

The Department of Commerce, in consultation with Ecology, was required to submit a report to the Legislature by December 31, 2024, addressing the effectiveness of the pass-through charge, the availability and pricing of various types of carryout bags, and the sufficiency of the pass-through charge relative to the cost of authorized bags to retail establishments and making recommendations for revisions to carryout bag requirements.

An intention was declared for the 2025 Legislature, taking into consideration the 2024

Department of Commerce report, to reconsider changes to the amount of the pass-through charge, mil thickness requirements for reusable bags made of film plastic, and other carryout bag provisions.

Summary of Amended Bill: Litter Penalties. Littering in an amount less than or equal to one cubic foot is raised from a class 3 civil infraction to a class 2 civil infraction. The base penalty is \$125. This penalty is in addition to any penalty issued for throwing or dropping material onto state highways.

Reusable Plastic Bags. Beginning January 1, 2028, instead of January 1, 2026, reusable plastic film bags must be at least four mils in thickness. The increase in the pass-through charge from \$0.08 to \$0.12 is delayed until January 1, 2028.

Language is struck, declaring the intent of the 2025 Legislature to reassess plastic film bag thickness and the amount of the pass-through charge for reusable bags made of film plastic.

EFFECT OF ENVIRONMENT, ENERGY & TECHNOLOGY COMMITTEE AMENDMENT(S):

- Delays the increase in the fee from \$0.08 to \$0.12 for reusable plastic bags from beginning January 1, 2026, to beginning January 1, 2028.
- Adds an intent section.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Engrossed Substitute House Bill (Environment, Energy & Technology): *The committee recommended a different version of the bill than what was heard.* PRO: We have a real litter problem in this state. There's litter everywhere. You see tires, mattresses, and everything along our interstates. I brought this bill to bring a class 3 civil infraction up to a class 2, and it's a start. In other states around the county there are higher fines for litter. This adds another deterrent. Delaying the date for the change in plastic bags will allow the Legislature to consider the forthcoming report. It will also give Ecology more time to provide technical assistance to companies that are adopting to the bag regulations. Going to four ml bags is just more plastic production and not addressing the underlying problem. The amount of litter in Washington is immense. Stricter penalties and enforcement are necessary to address the problem.

Persons Testifying (Environment, Energy & Technology): PRO: Representative Mark

Klicker, Prime Sponsor; Heather Trim, Zero Waste Washington; Amber Carter, American Recyclable Plastic Bag Alliance; Susan Vossler, Eastside Litterbusters; Peter Lyon, Washington Department of Ecology, Solid Waste Management Program.

Persons Signed In To Testify But Not Testifying (Environment, Energy & Technology): No one.

Staff Summary of Public Testimony on Bill as Amended by Environment, Energy & Technology (Ways & Means): PRO: The penalties for littering in Washington are lower than other states. Illegal dumping and litter on the highways are a problem. The bill addresses the litter issue while pausing some of the changes related to plastic recyclable bags.

Persons Testifying (Ways & Means): PRO: Heather Trim, Zero Waste Washington.

Persons Signed In To Testify But Not Testifying (Ways & Means): No one.