

SENATE BILL REPORT

2SHB 1497

As Reported by Senate Committee On:
Environment, Energy & Technology, March 25, 2025
Ways & Means, April 7, 2025

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: House Committee on Appropriations (originally sponsored by Representatives Doglio, Reeves, Berry, Reed, Parshley, Ramel, Pollet, Hill and Scott).

Brief History: Passed House: 3/7/25, 57-39.

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

Ways & Means: 4/04/25, 4/07/25 [DPA (ENET), DNP, w/oRec].

Brief Summary of Amended Bill

- Requires certain solid waste collection containers to comply with coloring and labeling standards beginning January 1, 2028.
- Expands an existing grant program, administered by the Department of Ecology's (Ecology) Center for Sustainable Food Management, by authorizing grants for implementing the legislation.
- Modifies organic materials collection requirements in certain jurisdictions to, in part, facilitate source-separated organic materials collection from specified multi-family residences.
- Directs Ecology to publish certain information on its website relating to businesses required to manage organic materials under existing law.
- Establishes new, and modifies existing, programs relating to procuring Washington-grown food and preventing food waste in schools.

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.

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 Senators Boehnke, Ranking Member; Harris, MacEwen and Short.

Staff: Matt Shepard-Koningsor (786-7627)

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; Braun, Cleveland, Conway, Hansen, Kauffman, Pedersen, Riccelli, Saldaña, Wellman and Wilson, C..

Minority Report: Do not pass.
Signed by Senators Gildon, Ranking Member, Operating; Torres, Assistant Ranking Member, Operating; Schoesler, Ranking Member, Capital; Dozier, Assistant Ranking Member, Capital; Muzzall, Wagoner and Warnick.

Minority Report: That it be referred without recommendation.
Signed by Senators Dhingra and Hasegawa.

Staff: Jed Herman (786-7346)

Background: Solid Waste, Organic Materials, and Food Waste Management. Under Washington's solid waste management laws, local governments are the primary government entity responsible for implementing solid waste management requirements. The Department of Ecology (Ecology) also has certain roles in administering solid waste management laws, including responsibility 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.

In 2019, Washington established a goal to reduce the annual generation of food waste by 50 percent by 2030, which included a sub-goal of reducing edible food waste by 50 percent (food waste reduction goals). Ecology, working with other agencies, adopted the Use Food Well Washington Plan in December 2021, which contained 30 state and federal policy recommendations.

In 2022, the Legislature enacted E2SHB 1799, which established several new requirements related to organic materials management. Organic materials include, in part, manure, yard debris, food and food processing waste, wood waste, and garden waste. Organic materials do not include chemically or biologically contaminated materials that would render a finished product of an organic material management process, such as composting or anaerobic digestion, unsuitable for general public or agricultural use. E2SHB 1799 established goals for organic materials management, including a goal to reduce the landfill disposal of organic materials in 2030 to a level that is 75 percent less than the 2015 level, 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 (organic materials management goals). The organic materials management goals are in addition to the food waste reduction goals. E2SHB 1799 also established:

- the Washington Center for Sustainable Food Management (Center) within 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 E2SHB 2301, which, among other things, amended several requirements established in E2SHB 1799. E2SHB 2301 also established a new grant program, through the Center, to implement the policies contained in E2SHB 1799 and E2SHB 2301. Eligible grant recipients include local governments, federally-recognized Indian tribes, nonprofit organizations, businesses subject to organic materials collection requirements, and organic materials management facilities.

Organic Materials Management Requirements in Certain Jurisdictions. Beginning April 1, 2027, certain jurisdictions implementing a local solid waste plan must provide year-round, source-separated organic solid waste collection services to single-family residents and nonresidential customers that generate more than 0.25 cubic yards per week of organic materials. Beginning April 1, 2030:

- year-round, source-separated organic solid waste collection services must be provided to customers on a non-elective basis, unless exempted by a jurisdiction; and
- all individuals, except individuals in multi-family residences, must use only source-separated organic solid waste collection services to discard unwanted organic materials.

Several jurisdictions or portions of jurisdictions are exempted from these requirements, as determined by Ecology. A jurisdiction may grant an exemption from the 2030 requirements to a customer managing organic materials on-site or by self-hauling organic materials for organic materials management.

Organic Materials Management Requirements for Certain Businesses. Since 2024, certain businesses generating certain weekly volumes of organic materials are required to arrange for organic materials management services specifically for organic material waste. Businesses subject to these requirements are phased-in as follows:

- January 1, 2024—businesses generating at least eight cubic yards of organic material waste per week;
- January 1, 2025—businesses generating at least four cubic yards of organic material waste per week; and
- January 1, 2026—businesses generating at least 96 gallons of organic material waste per week, unless otherwise adjusted by Ecology.

Certain wastes are not counted, such as wastes managed on-site by the generating business.

State Building Code Requirements. The State Building Code (Code) establishes minimum performance standards and requirements for construction and construction materials in the state, consistent with accepted standards of engineering, fire, and life safety. The Code includes several model codes and standards, developed and published by international and national organizations, which are adopted by reference. Model codes and standards adopted include the International Building Code, International Residential Code, and Energy Code. Cities and counties are authorized to amend the Code as it applies within the jurisdiction. Under the Code, local jurisdictions must require 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 building's occupants, pickup efficiency, and must be available to occupants and haulers.

School Food Programs. WSDA administers, as part of its regional markets programs, a farm-to-school program to facilitate increased procurement of Washington-grown food by schools. Some activities WSDA undertakes, in consultation with the Office of the Superintendent of Public Instruction (OSPI) and other organizations include, in part, assisting schools in connecting with local producers by informing them of the sources and availability of Washington-grown food, in addition to the nutritional, environmental, and economic benefits of purchasing Washington-grown food. WSDA program staff may provide, among other things, targeted technical assistance to farmers, food businesses, and buyers, including schools, about business planning, access to markets, product development, distribution infrastructure, and sourcing, procuring, and promoting Washington-grown foods.

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. OSPI may prescribe other required curriculum areas by rule. OSPI requires instruction about conservation, natural resources, and the environment be provided at all grade levels.

Compostable Product Labeling. State law contains several requirements relating to how the degradability of plastic and non-plastic products is communicated by labels, tinting, and coloring. For certain products labeled as compostable, the product must meet one of several standard specifications, and be labeled, marked, or contain appropriate coloring, as applicable, to differentiate between compostable products and non-compostable products.

Ecology and municipalities have concurrent enforcement authority for the product degradability requirements.

Pollution Control Hearings Board. 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 Amended Bill: Solid Waste Collection Container Coloring and Labeling Requirements. *Coloring Requirements.* Beginning January 1, 2028, certain solid waste collection containers and their lids must comply with the following requirements:

- in a jurisdiction where source-separated recyclable materials and organic materials are collected separately, a gray or black container may be used only for solid waste collection that is not a source-separated recyclable or organic material;
- in a jurisdiction where source-separated recyclable materials or organic materials are not collected separately, a gray or black container may be used for any solid waste, including organic or recyclable material not separately collected in the jurisdiction;
- a blue container may be used only for source-separated recyclable materials, and the contents must be transported to a facility that recovers the materials designated for collection in the blue container;
- a green or brown container may be used only for source-separated organic materials, and the contents must be transported to an organic materials management facility;
- a color other than green, brown, blue, black, or gray may be used only in accordance with statewide standards developed by Ecology;
- a jurisdiction may petition Ecology to continue using a dark green color for solid waste other than source-separated recyclable materials; and
- Ecology may determine the appropriate container color used for materials that could conceivably be placed in multiple types of containers.

The coloring requirements apply to indoor or outdoor containers provided to customers for collection services, which are purchased on or after August 1, 2025, and which are smaller than 101 gallons. A jurisdiction or solid waste collection company is not required to replace a functional container or lid to match the coloring requirements. A jurisdiction may petition Ecology for an exemption from the container coloring requirements, and Ecology must grant an exemption under certain circumstances.

Labeling Requirements. By January 1, 2028, each container for curbside, commercial, or public place waste collection must bear a clear and conspicuous label on each container and lid specifying the categories of materials allowed to be placed in the container. The labeling requirements do not apply to a container that a jurisdiction plans to remove from service before January 1, 2030, to be consistent with the container coloring provisions above.

Local jurisdictions are encouraged to provide labels in multiple languages and that specify the individual material types that may be placed in each container type. Carpets, non-

compostable paper, and hazardous wood waste may not be collected in a green or brown container. Ecology may adopt rules to prohibit additional waste stream contaminants from being placed in a green or brown container, or a blue container. The legislation contains definitions for the various types of container colors.

Center for Sustainable Food Management Grants. The Center's Grant Program for implementing policies in E2SHB 1799 and E2SHB 2301 is expanded to include grants for implementing this legislation, including the container coloring and labeling requirements. An entity not in compliance with the container coloring and labeling requirements is not eligible to receive this grant funding.

Organic Materials Collection Requirements in Certain Jurisdictions. The source-separated organic solid waste collection services required, beginning in 2030, must be provided on a non-elective basis to customers that receive other curbside solid waste services. A jurisdiction must grant an exemption to a customer that certifies to the jurisdiction that the customer is managing organic materials on-site of self-hauling its own organic material waste for organic materials management. Ecology must develop guidance under which local jurisdictions must exempt persons from the requirement to only use source-separated organic solid waste collection services to discard unwanted organic materials, where the organic materials will be managed through an alternative mechanism providing equal or better environmental outcomes.

Jurisdictions planning together or independently that submit a preliminary draft solid waste management plan to Ecology after July 1, 2026, must include programs and establish a timeline to implement a phase-in requiring collection of source-separated organic materials from multi-family residences in areas subject to existing organic materials collection requirements. The programs and phase-in must include required collection of source-separated organic materials from all newly-constructed or substantially-remodeled, as defined, multi-family residential buildings certified for occupancy after the local solid waste plan takes effect. The programs may allow waivers for an existing multi-family structure if it is determined the structure does not have adequate storage space for collection of source-separated organic materials, however, the feasibility of shared containers must also be evaluated.

A jurisdiction providing organic materials collection services may not charge, or collect fees or rates from, a person managing organic materials through an alternative mechanism providing equal or better environmental outcomes, including composting, diverting organic materials to animal feed, self-hauling organic materials to an appropriate facility, or other means of beneficially managing unwanted organic materials.

State Building Code Requirements and Municipal Authority. The Code must facilitate the collection of source-separated organic materials from new multi-family residential and commercial buildings by ensuring that sufficient space is allocated for solid waste storage. A city or county may modify or amend these requirements for certain reasons.

The governing body of each county or city may require the owners or operators of new or existing multi-family residential buildings to:

- provide adequate space for the colocation of organic materials waste and recycling collection containers with garbage containers, or if colocation is not possible, post appropriate signage;
- identify organic materials waste collection containers with appropriate and accurate signage and color to differentiate between solid wastes; or
- annually provide waste sorting educational material to building residents.

Organic Materials Collection Requirements for Certain Businesses. Ecology must create and publish, on its website, the methodology used to determine which businesses are required to manage organic materials, and a list of businesses that are likely to be covered. The list must be designed to facilitate education and outreach by solid waste collection companies, jurisdictional health departments, and local governments; and enforcement by jurisdictional health departments and jurisdictions implementing a solid waste management plan. Ecology may require certain information from a solid waste collection company to prepare the list, which the company may request be kept confidential.

Beginning July 1, 2026, a jurisdictional health department or a jurisdiction implementing a solid waste management plan may, after issuing at least one notification letter and one notice of violation, impose a minimum civil penalty on a business not complying with the organic materials collection requirements as follows:

- \$500 for each day of violation for a first violation;
- \$750 for each day of violation for a second violation; and
- \$1,000 for each day of violation for a third or subsequent violation.

A small business, as defined, may not be assessed more than \$10,000 in penalties in a single calendar year. Penalties are appealable to the PCHB.

School Food Programs. OSPI must identify or develop open educational resources for use by schools to integrate mathematics, science, social-emotional, environmental and sustainability, and social studies content standards to help support and prioritize food waste reduction in schools. By January 1, 2027, OSPI must leverage existing programs to identify food waste reduction educational best practices and ways to overcome food waste reduction barriers in schools.

Certain activities of WSDA under the farm-to-school program relating to Washington-grown produce explicitly include food that might be going to waste. WSDA's regional markets program activities may include reducing food waste through the purchase of Washington-grown food, consistent with the food waste reduction goals and the organic materials management goals.

Compostable Product Labeling. Paper-based sheets intended for use in cooking are

exempted from the on-product marking requirements for compostable products, however, the packaging of the paper-based sheets must comply with the marking requirements.

Other. The legislation contains intent language.

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

- Specifies that a jurisdiction must—rather than may—grant an exemption from the organics collection services required to be provided on a nonelective basis in 2030 if the customer certifies to the jurisdiction, they are managing organic material waste on-site or self-hauling the waste for organic materials management.
- Directs Ecology to develop guidance under which a local jurisdiction must—rather than may—exempt a person from a requirement to only use organics collection services to discard unwanted organic materials if the materials will be managed through an alternative mechanism providing equal or better environmental outcomes.
- Specifies that a jurisdiction providing collection services may not charge, or collect fees or rates from, a person managing organic materials through an alternative mechanism providing equal or better environmental outcomes, including composting and other listed examples.
- Makes a technical edit.

Appropriation: The bill contains a null and void clause requiring specific funding be provided in an omnibus appropriation act.

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 Second Substitute House Bill (Environment, Energy & Technology): *The committee recommended a different version of the bill than what was heard.* PRO: The Legislature passed a bill in 2019 that sets Washington on a course to reduce food waste by 50 percent by 2030. There is a lot of great work going on already to achieve this goal. This year's iterative bill is about bin colors, which is very important. The bill does have penalties, but it has a process to notify first and provide an opportunity to cure the issue. This bill continues the work of getting organic materials out of landfills where they produce methane, and to make sure we have clean products to make compost from. This bill addressed multi-family households in particular, which was not addressed in last year's bill. The bin coloring and labeling requirements are important to have clarity for everyone across the state.

Across the nation, food is around 25 percent of the load to our landfills and incinerators. It

is critical to reduce that load because it produces methane, which is about 80 times more potent than carbon dioxide at warming the planet. Washington is a leader in organics legislation and about ten states have organic waste bans. The outreach and education for the students is really important. Counties fund solid waste collection companies through landfill tipping fees, and this bill targets approximately 20 percent of this critical revenue.

We would appreciate future discussions around modernizing how our solid waste system is funded. We are supportive of this bill but do not believe future organics legislation is necessary since rulemaking is currently ongoing for the last two large organics bills. With different bin coloring standards in each jurisdiction, it is confusing, leads to contamination, and unnecessary waste. The coloring requirements remain a concern for our city as it would cost around \$4 million to replace these containers. We believe organics processors should not get paid to loot but should make responsible investments in infrastructure to remove contamination.

OTHER: The coloring requirements remain a concern for our city as it would cost around \$4 million to replace these containers. We also do not want 44,000 new containers to become waste.

Persons Testifying (Environment, Energy & Technology): PRO: Representative Beth Doglio, Prime Sponsor; Heather Trim, Zero Waste Washington; Kate White Tudor, NRDC; Nick Streuli, WRRRA; Kate Kurtz, Seattle Public Utilities; Holly Yanai, Divert; Travis Dutton, Washington State Association of Counties.

OTHER: Jenna McInnis, City of Kirkland.

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 Washington Refuse and Recycling Association thanks the prime sponsor for her efforts to address many of the concerns raised by our members. Source separation is a cornerstone of our solid waste management system, and while we continue to feel that additional organics legislation is unnecessary at this time, we greatly appreciate the effort by the sponsor to bring this bill to a place that we're able to support it today.

This bill is about the food waste in our state and making sure that it is going to compost and other management facilities, rather than to the landfill where it degrades to methane. The bill is also about providing certainty for the future in terms of what local jurisdictions and businesses need to do.

Persons Testifying (Ways & Means): PRO: Heather Trim, Zero Waste Washington; Nick Streuli, Washington Refuse & Recycling Association.

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