

SUBSTITUTE HOUSE BILL 1071

State of Washington

69th Legislature

2025 Regular Session

By House Environment & Energy (originally sponsored by Representatives Fey, Leavitt, Walen, Bronoske, Reeves, Barkis, Waters, Callan, Thai, Berg, Low, Schmidt, Rule, Goodman, Pollet, Lekanoff, and Salahuddin)

READ FIRST TIME 02/14/25.

1 AN ACT Relating to implementing strategies to achieve higher
2 recycling rates within Washington's existing solid waste management
3 system; amending RCW 70A.245.020, 70A.245.030, 70A.245.010, and
4 81.77.195; reenacting and amending RCW 43.21B.110; adding new
5 sections to chapter 70A.245 RCW; adding a new chapter to Title 70A
6 RCW; creating a new section; and prescribing penalties.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

8 **PART 1**

9 **INTENT**

10 NEW SECTION. **Sec. 101.** INTENT. (1) The legislature finds that:

11 (a) Washington state has been a leader in recycling policy,
12 reaching the goal of 50 percent recycling set by the legislature in
13 RCW 70A.205.005. The legislature further finds that, since meeting
14 the state's goal to achieve a 50 percent recycling rate, global
15 market conditions have caused the recycling rate to fall below 50
16 percent, demonstrating the dependence of recycling rates on reliable,
17 consistent recycling markets for recyclable materials;

18 (b) New goals and target recycling rates must be established and
19 a comprehensive needs assessment is necessary to implement

1 improvements to Washington's existing recycling system to reach those
2 goals;

3 (c) Programs, activities, or projects that reduce greenhouse gas
4 emissions from the solid waste sector, including a comprehensive
5 needs assessment, are intended to be funded from the climate
6 commitment account;

7 (d) 88 percent of Washington residents living in single-family
8 homes and 77 percent living in multifamily residences have access to
9 curbside recycling services through a robust regulatory structure
10 that ensures equal access to services at affordable rates; and

11 (e) The investments in infrastructure by Washington companies has
12 led to the development of materials sorting and processing superior
13 to most other states.

14 (2)(a) The legislature finds that contamination in the recycling
15 stream is a major impediment to higher recovery rates.

16 (b) It is the intent of the legislature to implement proven
17 strategies to address these challenges, including:

18 (i) The establishment of a single statewide list of materials for
19 recyclables collected through Washington's curbside recycling system
20 to reduce confusion and increase participation;

21 (ii) A robust needs assessment unique to Washington state to
22 determine costs and investments necessary to achieve a 65 percent
23 overall recycling rate for packaging;

24 (iii) Study the use of recycling symbols on packaging that cannot
25 be readily recycled through Washington's recycling system; and

26 (iv) The expansion of the successful recycled content
27 requirements to ensure more materials are manufactured with
28 postconsumer material.

29 (3) It is the intent of the legislature that:

30 (a) Producers increase the use of postconsumer recycled content
31 in their products, to achieve the goals in RCW 70A.520.010(2) and to
32 create strong markets for recycled materials and achieve
33 environmental benefits; and

34 (b) Through design and innovation, producers will reduce the use
35 and climate impact of consumer packaging and paper products and
36 increase the use of postconsumer recycled content.

37 (4) Finally, it is the intent of the legislature that Washington
38 should maintain the successful public-private partnership between
39 state, local government, and solid waste and recycling service
40 providers. The legislature does not intend to diminish or displace

1 the primary role of the utilities and transportation commission and
2 local governments in regulating or contracting directly with service
3 providers for the curbside collection of residential recyclables.
4 Local governments maintain their existing authority to collect,
5 contract for collection with solid waste and recycling service
6 providers, or defer to solid waste collection services regulated by
7 the utilities and transportation commission.

8 (5) Therefore, it is the intent of the legislature to implement
9 proven strategies to address these challenges, including:

10 (a) A robust needs assessment unique to Washington state to
11 determine costs and investments necessary to achieve a 65 percent
12 overall recycling rate for packaging; and

13 (b) The expansion of the successful recycled content requirements
14 to ensure more materials are manufactured with postconsumer material.

15 PART 2

16 RATES STUDY, MATERIALS LIST, AND NEEDS ASSESSMENT

17 NEW SECTION. **Sec. 201.** DEFINITIONS. The definitions in this
18 section apply throughout this chapter unless the context clearly
19 requires otherwise.

20 (1) "Consumable product" means a commodity that is intended to be
21 used and not disposed of.

22 (2) "Contaminant" means a material set out for curbside recycling
23 collection that is not on the list of materials accepted for
24 recycling collection by a recycling collection program.

25 (3) "Contamination" means the presence of one or more
26 contaminants in a recycling collection or commodity stream in an
27 amount or concentration that negatively impacts the value of the
28 material or negatively impacts a processor's ability to sort that
29 material.

30 (4) "Covered product" means packaging and paper products sold or
31 supplied to consumers for personal, noncommercial use and disposed of
32 through residential curbside or drop-off site collection systems.

33 (5) "Department" means the department of ecology.

34 (6) "Glass" means a covered product made of soda lime glass.

35 (7) "Material category" means a group of covered products that
36 have similar properties such as chemical composition, shape, or other
37 characteristics.

1 (8) "Overburdened community" means an overburdened community
2 identified and prioritized by the department under RCW
3 70A.02.050(1)(a).

4 (9)(a) "Packaging" means a covered product that is:

5 (i) Used to protect, contain, transport, or serve an item;

6 (ii) Sold or supplied to consumers expressly for the purpose of
7 protecting, containing, transporting, or serving items;

8 (iii) Attached to an item or its container for the purpose of
9 marketing or communicating information about the item;

10 (iv) Supplied at the point of sale to facilitate the delivery of
11 the item; or

12 (v) Supplied to or purchased by consumers expressly for the
13 purpose of facilitating food or beverage consumption that is
14 ordinarily discarded by consumers after a single use or short-term
15 use, whether or not it could be reused.

16 (b) "Packaging" does not include:

17 (i) Materials intended to be used for the long-term storage or
18 protection of a durable product, that is intended to transport,
19 protect, or store the durable product on an ongoing basis, and that
20 can be expected to be usable for that purpose for a period of at
21 least five years;

22 (ii) For purposes of this chapter only, materials used to package
23 pesticide products regulated by the federal insecticide, fungicide,
24 and rodenticide act, 7 U.S.C. Sec. 136 et seq., that are in direct
25 contact with the regulated product. This exemption does not include
26 products regulated by the United States food and drug administration;

27 (iii) Liquefied petroleum gas containers that are designed to be
28 refilled and reused;

29 (iv)(A) Packaging for drugs that are used for animal medicines
30 including parasiticide products for animals; and

31 (B) Packaging for products intended for animals that are
32 regulated as animal drugs, biologics, parasiticides, medical devices,
33 or diagnostics used to treat, or administered to, animals under the
34 federal food, drug, and cosmetic act, 21 U.S.C. Sec. 301 et seq., the
35 federal insecticide, fungicide, and rodenticide act, 7 U.S.C. Sec.
36 136 et seq., or the federal virus-serum-toxin act, 21 U.S.C. Sec. 151
37 et seq., as amended;

38 (v) Packaging for products that are regulated as a medical
39 device, dietary supplement, or drug by the United States food and
40 drug administration under the federal food, drug, and cosmetic act,

1 21 U.S.C. Sec. 321 et seq. or products that are regulated as a
2 biologic or vaccine by the federal food and drug administration under
3 the public health service act, 42 U.S.C. Sec. 201 et seq.;

4 (vi) Packaging related to containers of architectural paint that
5 has been collected by a stewardship organization under the program
6 established in chapter 70A.515 RCW;

7 (vii) Packaging used to contain hazardous or flammable products
8 classified by the 2012 federal occupational safety and health
9 administration hazard communication standard, 29 C.F.R. Sec.
10 1910.1200 (2012);

11 (viii) Infant formula, as defined in 21 U.S.C. Sec. 321(z);

12 (ix) Medical food, as defined in 21 U.S.C. Sec. 360ee(b)(3);

13 (x) Fortified oral nutritional supplements used for persons who
14 require supplemental or sole source nutrition to meet nutritional
15 needs due to special dietary needs directly related to cancer,
16 chronic kidney disease, diabetes, malnutrition, or failure to thrive,
17 as those terms are defined by the international classification of
18 diseases, 10th revision, or other medical conditions as determined by
19 the department;

20 (xi) Packaging products used to contain any substance regulated
21 by the federal insecticide, fungicide, and rodenticide act, 7 U.S.C.
22 Sec. 136 et seq.;

23 (xii) Packaging products used by entities or individuals covered
24 under North American industry classification system codes 3253 or
25 1151;

26 (xiii) Packaging products used to contain any agricultural
27 products regulated under the federal food, drug, and cosmetic act, 21
28 U.S.C. Sec. 301 et seq.;

29 (xiv) Animal biologics, including vaccines, bacterins, antisera,
30 diagnostic kits, and other products of biological origin, and others
31 covered by the United States department of agriculture under the
32 virus-serum-toxin act, 21 U.S.C. Sec. 151-159 et seq.;

33 (xv) Fertilizer packaging used in agriculture or commercial
34 applications;

35 (xvi) Packaging and products sold or supplied to consumers on
36 board commercial aircraft for personal use during in-flight
37 operations.

38 (10) "Paper product" means printed paper sold or supplied
39 including flyers, brochures, booklets, catalogs, magazines, and all
40 other paper materials except for: (a) Bound books; (b) conservation

1 grade and archival grade paper; (c) newspapers; (d) paper designed
2 for use in building construction; and (e) paper products that, by any
3 common and foreseeable use, could reasonably be anticipated to become
4 unsafe or unsanitary to handle.

5 (11)(a) "Producer" means the following person responsible for
6 compliance with covered product registration and reporting
7 requirements under this chapter for a covered product sold, offered
8 for sale, or distributed in or into this state:

9 (i) If the covered product is sold with the manufacturer's own
10 brand or lacks identification of a brand, the producer is the person
11 who manufactures the covered product;

12 (ii) If the covered product is manufactured by a person other
13 than the brand owner, the producer is the person who is the licensee
14 of a brand or trademark under which a covered product is sold,
15 offered for sale, or distributed in or into this state, whether or
16 not the trademark is registered in this state, unless the
17 manufacturer or brand owner of the covered product has agreed to
18 accept responsibility under this chapter; or

19 (iii) If there is no person described in (a)(i) and (ii) of this
20 subsection over whom the state can constitutionally exercise
21 jurisdiction, the producer is the person who imports or distributes
22 the covered product in or into the state.

23 (b) A person is the "producer" of a covered product sold, offered
24 for sale, or distributed in or into this state, as defined in (a)(i)
25 through (iii) of this subsection, except where another person has
26 mutually signed an agreement with a producer as defined in (a)(i)
27 through (iii) of this subsection that contractually assigns
28 responsibility to the person as the producer, and the person has
29 joined a registered producer responsibility organization as the
30 responsible producer for that covered product under this chapter.

31 (c) "Producer" does not include:

32 (i) Government agencies, municipalities, or other political
33 subdivisions of the state;

34 (ii) Registered 501(c)(3) charitable organizations and 501(c)(4)
35 social welfare organizations; or

36 (iii) De minimis producers that annually sell, offer for sale,
37 distribute, or import in or into the country for sale in Washington:

38 (A) Less than one ton of covered products each year; or

39 (B) That have a global gross revenue of less than \$5,000,000 for
40 the most recent fiscal year of the organization. The department shall

1 calculate an adjusted rate to maintain the small business exemption
2 by the rate of inflation. The adjusted rate must be calculated to the
3 nearest cent using the consumer price index for urban wage earners.
4 Each adjusted rate calculated under this subsection takes effect on
5 the following January 1st.

6 (12) "Vulnerable population" has the same meaning as defined in
7 RCW 70A.02.010.

8 NEW SECTION. **Sec. 202.** ACTIVITIES TO SUPPORT FUTURE INCREASES
9 IN RECOVERY RATES AND RATES STUDY. (1) To inform the future
10 development of strategies to increase recovery rates consistent with
11 the goals established in subsection (2) of this section, the
12 department must:

13 (a) Identify a statewide list of materials suitable for curbside
14 collection services and a statewide list of materials suitable for
15 drop-off collection, consistent with section 203 of this act, to be
16 completed by October 1, 2026;

17 (b) Complete a statewide needs assessment to meet the goal
18 established in subsection (2) of this section and be carried out by a
19 third-party consultant selected by the department, consistent with
20 section 204 of this act, and completed by October 1, 2027; and

21 (c) Begin overseeing the registration and data reporting of
22 producers of packaging, consistent with section 205 of this act.

23 (2) (a) A goal is established for the state to achieve a recycling
24 rate of 65 percent for covered products. The department must, in
25 consultation with the advisory committee established in section 207
26 of this act, identify a methodology for calculating progress towards
27 this goal as part of its duties under section 204 of this act, and
28 must begin tracking and periodically making public the state's
29 progress towards this goal beginning in the year following the
30 initial reporting of data by producers under section 205 of this act.

31 (b) The goals established in this subsection must be used to
32 inform the statewide needs assessment in section 204 of this act.

33 (3) For purposes of implementing this chapter, the department
34 may, where appropriate, use and rely on the recommended recycling
35 rate targets contained in the department's *December 2023 Washington*
36 *Recycling, Reuse, and Source Reduction Target Study and Community*
37 *Input Process*.

1 NEW SECTION. **Sec. 203.** CURBSIDE AND DROP-OFF RECYCLABLE
2 MATERIALS COLLECTION LISTS FOR NEEDS ASSESSMENT. (1) (a) By October 1,
3 2026, the department must develop and publish a:

4 (i) List of recyclable materials suitable for curbside collection
5 from residents in single-family and multifamily residences; and

6 (ii) Separate list of materials suitable for residential drop-off
7 collection.

8 (b) The department must review and update the lists in (a) of
9 this subsection by October 1, 2031, and no less often than every five
10 years thereafter. During the review and update of the lists, the
11 department must newly review each material included on the previous
12 versions of the lists using the factors described in subsection (4)
13 of this section and may only continue to include materials on a list
14 after considering the factors described in subsection (4) of this
15 section.

16 (2) The initial list of materials suitable for curbside
17 collection developed and published under this section must include
18 the following materials:

19 (a) Newspaper;

20 (b) Paperboard and chipboard;

21 (c) Loose paper;

22 (d) Corrugated cardboard;

23 (e) Magazines;

24 (f) Envelopes;

25 (g) Aluminum cans;

26 (h) Tin or steel cans;

27 (i) High density polyethylene plastic containers; and

28 (j) Polyethylene terephthalate containers.

29 (3) The initial list of materials suitable for drop-off
30 residential collection must include the following materials:

31 (a) Glass; and

32 (b) Flexible plastic.

33 (4) In addition to the materials identified under subsections (2)
34 and (3) of this section, the department may identify additional
35 materials for inclusion on a list or remove materials from inclusion
36 on a list based on consultation with the advisory committee
37 established in section 207 of this act, and after considering the
38 following factors:

39 (a) The stability, maturity, accessibility, and viability of
40 responsible end markets;

- 1 (b) Economic factors;
- 2 (c) Environmental factors from a life-cycle perspective;
- 3 (d) The material's compatibility with existing recycling
- 4 infrastructure;
- 5 (e) The amount of the material available;
- 6 (f) The ability for waste generators to easily identify and
- 7 properly prepare the material;
- 8 (g) The practicalities of sorting and storing the material;
- 9 (h) Contamination;
- 10 (i) Environmental health and safety considerations; and
- 11 (j) The anticipated yield loss for the material during the
- 12 recycling process.

13 NEW SECTION. **Sec. 204.** STATEWIDE NEEDS ASSESSMENT. (1) The
14 statewide needs assessment must be consistent with the following
15 requirements:

16 (a) The final scope of the statewide needs assessment must be
17 determined after considering comments and recommendations from
18 stakeholders, each jurisdiction planning under chapter 70A.205 RCW,
19 and the advisory committee established in section 207 of this act;
20 and

21 (b) Stakeholders, jurisdictions planning under chapter 70A.205
22 RCW, and the advisory committee must have the opportunity to review
23 and comment on the draft statewide needs assessment at least 90 days
24 prior to its completion. The advisory committee must have the
25 opportunity to review drafts of the needs assessment and accompanying
26 data used in the needs assessment.

27 (2) The statewide needs assessment must be:

28 (a) Informed by highest achievable recycling rates and
29 recommended targets in the 2023 performance rates study identified in
30 section 202 of this act and rates and other comments suggested by
31 stakeholders and the advisory committee;

32 (b) Limited to covered products collected from residents in
33 single-family and multifamily residences included on the list
34 developed and published by the department in section 202 of this act;

35 (c) Completed only after individual consultation with each
36 jurisdiction planning under chapter 70A.205 RCW; and

37 (d) Accepted from the selected consultant as complete by the
38 department.

39 (3) The statewide needs assessment must:

1 (a) For each jurisdiction planning under chapter 70A.205 RCW,
2 evaluate the capacity, costs, gaps, and needs for the following
3 factors necessary to achieve recycling performance rate
4 recommendations to reach the goal identified under section 202 of
5 this act:

6 (i) Evaluate what services related to the requirements of this
7 chapter are currently being delivered in each county and city
8 planning under chapter 70A.205 RCW and what the costs are for those
9 existing services;

10 (A) Availability and types of recycling services for covered
11 products for residents in single-family and multifamily residences,
12 including whether current services are considered residential or
13 commercial and whether any gaps, costs, or needs are specific to
14 either commercial or residential customer service;

15 (B) The current methods and infrastructure for serving residents,
16 including curbside recycling service areas and material drop-off
17 locations;

18 (C) Any densely populated areas within each jurisdiction in which
19 curbside recycling services for covered products identified by the
20 department on the list developed and published under section 203 of
21 this act are not available or are only partially available;

22 (D) Any areas within each jurisdiction where curbside garbage
23 collection services are offered to residents in single-family and
24 multifamily residences but curbside recycling services are not
25 offered;

26 (ii) Evaluate what new or expanded services and infrastructure
27 are needed in each county and city planning under chapter 70A.205 RCW
28 to meet the target performance rates and what the anticipated costs
29 are for those additional services and infrastructure;

30 (iii) Education and outreach activities, which may include
31 digital mediums on packaging;

32 (iv) Availability and performance of collection, transport, and
33 processing capacity and infrastructure, including consideration of
34 material quality and contamination;

35 (v) Necessary capital investments to existing reuse and recycling
36 infrastructure, and how to maximize the use of existing
37 infrastructure;

38 (b) Compile information related to actual costs for curbside
39 collection services, drop-off collection services, and other
40 information relevant to the funding requirements to achieve

1 performance rates, including costs for various service methods
2 recommended by stakeholders during the study scoping process;

3 (c) Estimate the total costs of investments necessary to reach
4 target rates, within each jurisdiction, as well as ongoing program
5 costs related to labor, equipment, and maintenance. Cost factors and
6 variables to be considered in the estimates include:

7 (i) Population size and density of a local jurisdiction;

8 (ii) Types of households serviced and collection method used;

9 (iii) Distance from a local jurisdiction to the nearest recycling
10 facility;

11 (iv) Whether a jurisdiction pays for transportation and sorting
12 of collected materials and whether it receives a commodity value from
13 processed materials;

14 (v) Geographic location or other variables contributing to
15 regional differences in costs;

16 (vi) Cost increases over time; and

17 (vii) Any other factors as determined to be necessary by the
18 department, with input from stakeholders;

19 (d) (i) Identify cost factors and other variables to be considered
20 in the development of funding estimates for government entities for
21 any services other than curbside collection to be carried out by
22 government entities that may be needed to achieve performance rates
23 developed under section 202 of this act;

24 (ii) Identify methods to consider greenhouse gas emissions and
25 other environmental outcomes associated with potential expansions of
26 curbside recycling services to rural or sparsely populated areas;

27 (e) Compile relevant information to be considered in the
28 development of criteria by the department to determine whether a
29 covered product is recyclable, reusable, or compostable through
30 Washington's curbside recycling collection system. The relevant
31 information to be compiled may include whether covered product
32 materials are:

33 (i) Or may be, collected, separated, and processed in sufficient
34 quantity and quality into a marketable feedstock that can be used in
35 the production of new products; or

36 (ii) Designed in a way that is problematic for reuse, recycling,
37 or composting;

38 (f) Evaluate how the state's existing recycling system can be
39 improved in a socially just manner as it relates to activities
40 required under this chapter. The assessment must:

1 (i) Include meaningful consultation with overburdened communities
2 and vulnerable populations;

3 (ii) Determine conditions and make recommendations including, at
4 minimum:

5 (A) Improving access to the recycling system for women and
6 minority individuals;

7 (B) The sufficiency of local government requirements related to
8 multifamily recycling services and their implementation;

9 (C) Identification of activities that negatively
10 disproportionately impact any community and in particular
11 overburdened communities and vulnerable populations, including new
12 fees, costs, or deposits;

13 (D) Improving the sufficiency of recycling education and outreach
14 programs relative to desired socially just management outcomes;

15 (E) Recommendations for improving socially just management
16 practices and outcomes in the state's recycling system; and

17 (F) Evaluate the extent to which covered products contribute to
18 litter and marine debris. The assessment should draw on available
19 data, assess gaps, and identify strategies for improving prevention
20 and cleanup of litter and marine debris from covered products;

21 (g) Compile information from available data sources on the
22 presence of toxic substances in covered products and their potential
23 negative impacts on reuse, recycling, and composting systems. The
24 information compiled is intended to inform the development of
25 ecomodulation factors that incentivize the reduction of toxic
26 substances that have potentially negative impacts when covered
27 products are managed through reuse, recycling, and composting
28 systems; and

29 (h) Conduct voluntary interviews with service providers of
30 curbside recycling services or recycling processing services within a
31 jurisdiction on costs for additional infrastructure, vehicles, staff,
32 equipment, and other investments to achieve the recycling performance
33 goal established under section 202 of this act.

34 NEW SECTION. **Sec. 205.** COVERED PRODUCT PRODUCER REGISTRATION
35 AND REPORTING. (1) On or before March 1, 2026, and annually
36 thereafter, a producer that offers for sale, sells, or distributes in
37 or into Washington covered products must register with the department
38 individually or through a third-party representative registering on
39 behalf of a group of producers.

1 (2) The registration information submitted to the department
2 under this section must include a list of the producers of covered
3 products and the brand names of the covered products represented in
4 the registration submittal. Beginning in 2027, a producer may submit
5 registration information at the same time as the information
6 submitted through the annual reporting in subsection (3) of this
7 section.

8 (3)(a) Beginning April 1, 2027, each producer of covered
9 products, individually or through a third party representing a group
10 of producers, must provide an annual report to the department that
11 includes, by material category, the volume in pounds of covered
12 products sold, offered for sale, or distributed in or into Washington
13 during the preceding calendar year.

14 (b) The report must be submitted in a format and manner
15 prescribed by the department. A manufacturer may submit national data
16 allocated on a per capita basis for Washington to approximate the
17 information required in this subsection if the producer or third-
18 party representative demonstrates to the department that state level
19 data are not available or feasible to generate.

20 (c) The department must post the information reported under this
21 subsection on its website, except as provided in (d) of this
22 subsection.

23 (d) A producer that submits information or records to the
24 department under this chapter may request that the information or
25 records be made available only for the confidential use of the
26 department, the director, or the appropriate division of the
27 department. The director of the department must give consideration to
28 the request and if this action is not detrimental to the public
29 interest and is otherwise in accordance with the policies and
30 purposes of chapter 43.21A RCW, the director must grant the request
31 for the information to remain confidential as authorized in
32 RCW 43.21A.160.

33 NEW SECTION. **Sec. 206.** DEPARTMENT OF ECOLOGY OVERSIGHT. (1) The
34 department shall adopt rules as necessary to administer, implement,
35 and enforce this section and section 205 of this act.

36 (2)(a) The department may conduct audits and investigations for
37 the purpose of ensuring compliance with section 205 of this act.

38 (b) The department shall annually publish a list of registered
39 producers of covered products and associated brand names, their

1 compliance status, and other information the department deems
2 appropriate on the department's website.

3 (3) (a) By July 1, 2026, and every July 1st thereafter, the
4 department must:

5 (i) Prepare an annual workload analysis for public comment that
6 identifies the annual costs it expects to incur to implement,
7 administer, and enforce this section and section 205 of this act, and
8 to carry out its obligations under this chapter;

9 (ii) Determine a total annual fee payment by producers or their
10 third-party representatives that is adequate to cover, but not
11 exceed, the workload identified in (a)(i) of this subsection;

12 (iii) Until rules are adopted under (a)(iv) of this subsection,
13 issue a general order to all entities falling within the definition
14 of producer. The department must equitably determine fee amounts;

15 (iv) By 2028, adopt rules to equitably determine annual fee
16 payments by producers or their third-party representatives. Once such
17 rules are adopted, the general order issued under (a)(iii) of this
18 subsection is no longer effective; and

19 (v) Send notice to producers or their third-party representatives
20 of fee amounts due consistent with either the general order issued
21 under (a)(iii) of this subsection or rules adopted under (a)(iv) of
22 this subsection.

23 (b) The department must:

24 (i) Apply any remaining annual payment funds from the current
25 year to the annual payment for the coming year, if the collected
26 annual payment exceeds the department's costs for a given year; and

27 (ii) Increase annual payments for the coming year to cover the
28 department's costs, if the collected annual payment was less than the
29 department's costs for a given year.

30 (c) By October 1, 2026, and every October 1st thereafter,
31 producers or their third-party representatives must submit a fee
32 payment as determined by the department under (a) of this subsection.
33 Fee payments must be deposited in the recycled content account under
34 RCW 70A.245.110.

35 (4) For producers out of compliance with the registration or
36 reporting requirements of section 205 of this act, the department
37 shall provide written notification and offer information to
38 producers. For the purposes of this section, written notification
39 serves as notice of the violation. The department must issue at least

1 two notices of violation by certified mail prior to assessing a
2 penalty under subsection (5) of this section.

3 (5) The department may assess a penalty in an amount not to
4 exceed \$1,000 for each day for a violation of this section or section
5 205 of this act. Penalties collected under this section must be
6 deposited in the recycling enhancement account created in
7 RCW 70A.245.100.

8 (6) Penalties issued under this section are appealable to the
9 pollution control hearings board established in chapter 43.21B RCW.

10 NEW SECTION. **Sec. 207.** ADVISORY COMMITTEE. (1) An advisory
11 committee is established.

12 (2) The advisory committee consists of members appointed by the
13 department as follows:

14 (a) Four representatives of local governments representing
15 geographic areas across the state, including two representatives of
16 counties and two representatives of cities, each with one
17 representative of urban communities and one representative of rural
18 communities;

19 (b) One representative of tribal or indigenous solid waste
20 services organizations;

21 (c) One representative of special purpose districts involved in
22 activities related to the end-of-life management of solid waste;

23 (d) Two representatives of community-based organizations whose
24 mission is to serve the interests of overburdened communities and
25 vulnerable populations;

26 (e) Two representatives of environmental nonprofit organizations;

27 (f) One owner or operator of a small business that is not
28 eligible for representation under (g), (h), or (i) of this
29 subsection;

30 (g) Six representatives of the recycling industry, including
31 local governments' service providers, solid waste collection
32 companies or associations, material recovery facilities, or other
33 processing facilities;

34 (h) Four representatives of producers of covered products or
35 producer trade associations representing different types of covered
36 products;

37 (i) Two representatives of packaging suppliers that are not
38 producers as defined under this chapter representing different
39 material categories; and

1 (j) One representative of a retail establishment.

2 (3) Advisory committee members must be appointed by the director
3 of the department by September 1, 2026. In appointing members, the
4 department shall:

5 (a) Appoint members that, to the greatest extent practicable,
6 represent diversity in race, ethnicity, age, and gender, urban and
7 rural areas, and different regions of the state; and

8 (b) Consider recommendations for appointments from relevant
9 represented groups or associations and from individuals interested in
10 participating on the advisory committee.

11 (4)(a) The terms of initial appointments must be staggered to
12 two-year and three-year appointments, with subsequent terms of three
13 years. Members are eligible for reappointment.

14 (b) If there is a vacancy for any reason, the department shall
15 make an appointment to become effective immediately for the unexpired
16 term.

17 (5) The advisory committee shall meet at least once every three
18 months at times and places specified by the department. The advisory
19 committee may also meet at other times and places, including
20 virtually, specified by the department or by a call of a majority of
21 the committee members, as necessary, to carry out the duties of the
22 advisory committee.

23 (6)(a) The department shall provide staff support and
24 facilitation as necessary for the advisory committee to carry out its
25 duties.

26 (b) The department may select an impartial, third-party
27 facilitator to convene and provide administrative support to the
28 advisory committee.

29 (c) The department may establish working groups, comprised of
30 interested members of the advisory committee, to discuss issues
31 related to implementation of this chapter, which report back to the
32 full advisory committee including, but limited to, the truth in
33 labeling task force established in section 208 of this act.

34 (7) The duties of the advisory committee include the following:

35 (a) Advise and make recommendations to the department on the
36 lists developed and published by the department under section 203 of
37 this act;

38 (b) Advise and make recommendations to the department on the
39 scope of the statewide needs assessment under section 204 of this
40 act;

1 (c) Review and comment on draft statewide needs assessments prior
2 to their completion;

3 (d) Review and comment on the department's implementation and
4 administration of the registration and reporting requirements in
5 sections 205 and 206 of this act; and

6 (e) Provide input, review, and comment on rules proposed by the
7 department under this chapter.

8 (8) Advisory committee members that are representatives of tribes
9 or tribal and indigenous services organizations or community-based
10 and environmental nonprofit organizations must, if requested, be
11 compensated and reimbursed in accordance with RCW 43.03.050,
12 43.03.060, and 43.03.220.

13 NEW SECTION. **Sec. 208.** TRUTH IN LABELING TASK FORCE. (1) The
14 truth in labeling task force is established as a subgroup of the
15 advisory committee established in section 207 of this act.

16 (2) The truth in labeling task force shall consist of interested
17 members of the advisory committee.

18 (3) The truth in labeling task force shall study and evaluate
19 misleading or confusing claims regarding the recyclability of
20 products made on a product or product packaging. The task force shall
21 make recommendations to the legislature for the development of
22 recyclability labeling standards and requirements for products and
23 packaging sold in Washington. The study must include consideration of
24 issues affecting accessibility for diverse audiences. The truth in
25 labeling task force shall prioritize alignment with the federal trade
26 commission's green guides and California's Senate Bill 343 (SB 343,
27 Allen, Chapter 507, Statutes of 2021).

28 (4) The department must transmit a final report and
29 recommendations from the truth in labeling task force, in the form of
30 draft legislation, to the appropriate committees of the legislature
31 by June 1, 2027.

32 (5) The department must provide staff support to the truth in
33 labeling task force.

34 **PART 3**
35 **POSTCONSUMER RECYCLED CONTENT**
36 **REQUIREMENTS**

1 **Sec. 301.** RCW 70A.245.020 and 2021 c 313 s 3 are each amended to
2 read as follows:

3 (1)(a) Beginning January 1, 2023, producers that offer for sale,
4 sell, or distribute in or into Washington:

5 (i) Beverages other than wine in 187 milliliter plastic beverage
6 containers and dairy milk in plastic beverage containers must meet
7 minimum postconsumer recycled content requirements established under
8 subsection (4) of this section; and

9 (ii) Plastic trash bags must meet minimum postconsumer recycled
10 content requirements established under subsection (6) of this
11 section.

12 (b) Beginning January 1, 2025, producers that offer for sale,
13 sell, or distribute in or into Washington household cleaning and
14 personal care products in plastic household cleaning and personal
15 care product containers must meet minimum postconsumer recycled
16 content as required under subsection (5) of this section.

17 (c) Beginning January 1, 2028, producers that offer for sale,
18 sell, or distribute in or into Washington wine in 187 milliliter
19 plastic beverage containers or dairy milk in plastic beverage
20 containers must meet minimum postconsumer recycled content as
21 required under subsection (4) of this section.

22 (2)(a) On or before April 1, 2022, and annually thereafter, a
23 producer that offers for sale, sells, or distributes in or into
24 Washington covered products must register with the department
25 individually or through a third-party representative registering on
26 behalf of a group of producers, except producers of covered products
27 identified in subsections (13) through (15) of this section shall
28 register by June 1, 2026.

29 (b) The registration information submitted to the department
30 under this section must include a list of the producers of covered
31 products and the brand names of the covered products represented in
32 the registration submittal. Beginning April 1, 2024, for plastic
33 trash bags and plastic beverage containers other than wine in 187
34 milliliter plastic beverage containers and dairy milk in plastic
35 beverage containers, April 1, 2026, for plastic household and
36 personal care product containers, and April 1, 2029, for wine in 187
37 milliliter plastic beverage containers and dairy milk, a producer may
38 submit registration information at the same time as the information
39 submitted through the annual reporting required under RCW
40 70A.245.030.

1 (3) (a) By January 31, 2022, and every January 31st thereafter,
2 the department must:

3 (i) Prepare an annual workload analysis for public comment that
4 identifies the annual costs it expects to incur to implement,
5 administer, and enforce this section and RCW 70A.245.030 through
6 70A.245.060 and 70A.245.090 (1), (2), and (4), including rule making,
7 in the next fiscal year for each category of covered products;

8 (ii) Determine a total annual fee payment by producers or their
9 third-party representatives for each category of covered products
10 that is adequate to cover, but not exceed, the workload identified in
11 (a)(i) of this subsection;

12 (iii) Until rules are adopted under (a)(iv) of this subsection,
13 issue a general order to all entities falling within the definition
14 of producer. The department must equitably determine fee amounts for
15 an individual producer or third-party representatives within each
16 category of covered product;

17 (iv) By 2024, adopt rules to equitably determine annual fee
18 payments by producers or their third-party representatives within
19 each category of covered product. Once such rules are adopted, the
20 general order issued under (a)(iii) of this subsection is no longer
21 effective; and

22 (v) Send notice to producers or their third-party representatives
23 of fee amounts due consistent with either the general order issued
24 under (a)(iii) of this subsection or rules adopted under (a)(iv) of
25 this subsection.

26 (b) The department must:

27 (i) Apply any remaining annual payment funds from the current
28 year to the annual payment for the coming year, if the collected
29 annual payment exceeds the department's costs for a given year; and

30 (ii) Increase annual payments for the coming year to cover the
31 department's costs, if the collected annual payment was less than the
32 department's costs for a given year.

33 (c) By April 1, 2022, and every April 1st thereafter, producers
34 or their third-party representative must submit a fee payment as
35 determined by the department under (a) of this subsection.

36 (4) A producer of a beverage in a plastic beverage container must
37 meet the following annual minimum postconsumer recycled content
38 percentage on average for the total quantity of plastic beverage
39 containers, by weight, that are sold, offered for sale, or
40 distributed in or into Washington by the producer effective:

1 (a) For beverages except wine in 187 milliliter plastic beverage
2 containers and dairy milk:

3 (i) January 1, 2023, through December 31, 2025: No less than 15
4 percent postconsumer recycled content plastic by weight;

5 (ii) January 1, 2026, through December 31, 2030: No less than 25
6 percent postconsumer recycled content plastic by weight; and

7 (iii) On and after January 1, 2031: No less than 50 percent
8 postconsumer recycled content plastic by weight.

9 (b) For wine in 187 milliliter plastic beverage containers and
10 dairy milk:

11 (i) January 1, 2028, through December 31, 2030: No less than 15
12 percent postconsumer recycled content plastic by weight;

13 (ii) January 1, 2031, through December 31, 2035: No less than 25
14 percent postconsumer recycled content plastic by weight; and

15 (iii) On and after January 1, 2036: No less than 50 percent
16 postconsumer recycled content plastic by weight.

17 (5) A producer of household cleaning and personal care products
18 in plastic containers must meet the following annual minimum
19 postconsumer recycled content percentage on average for the total
20 quantity of plastic containers, by weight, that are sold, offered for
21 sale, or distributed in or into Washington by the producer effective:

22 (a) January 1, 2025, through December 31, 2027: No less than 15
23 percent postconsumer recycled content plastic by weight;

24 (b) January 1, 2028, through December 31, 2030: No less than 25
25 percent postconsumer recycled content plastic by weight; and

26 (c) On and after January 1, 2031: No less than 50 percent
27 postconsumer recycled content plastic by weight.

28 (6) A producer of plastic trash bags must meet the following
29 annual minimum postconsumer recycled content percentage on average
30 for the total quantity of plastic trash bags, by weight, that are
31 sold, offered for sale, or distributed in or into Washington by the
32 producer effective:

33 (a) January 1, 2023, through December 31, 2024: No less than 10
34 percent postconsumer recycled content plastic by weight;

35 (b) January 1, 2025, through December 31, 2026: No less than 15
36 percent postconsumer recycled content plastic by weight; and

37 (c) On and after January 1, 2027: No less than 20 percent
38 postconsumer recycled content plastic by weight.

39 (7) (a) Beginning January 1, 2024, or when rule making is
40 complete, whichever is sooner, the department may, on an annual basis

1 on January 1st, review and determine for the following year whether
2 to adjust the minimum postconsumer recycled content percentage
3 required for a type of container or product or category of covered
4 products pursuant to subsection (4), (5), or (6) of this section. The
5 department's review may be initiated by the department or at the
6 petition of a producer or a covered product manufacturing industry
7 not more than once annually. When submitting a petition, producers or
8 a producer manufacturing industry must provide necessary information
9 that will allow the department to make a determination under (b) of
10 this subsection.

11 (b) In making a determination pursuant to this subsection, the
12 department must consider, at a minimum, all of the following factors:

13 (i) Changes in market conditions, including supply and demand for
14 postconsumer recycled content plastics, collection rates, and bale
15 availability both domestically and globally;

16 (ii) Recycling rates;

17 (iii) The availability of recycled plastic suitable to meet the
18 minimum postconsumer recycled content requirements pursuant to
19 subsection (4), (5), or (6) of this section, including the
20 availability of high quality recycled plastic, and food-grade
21 recycled plastic from recycling programs;

22 (iv) The capacity of recycling or processing infrastructure;

23 (v) The technical feasibility of achieving the minimum
24 postconsumer recycled content requirements in covered products that
25 are regulated under 21 C.F.R., chapter I, subchapter G, 7 U.S.C. Sec.
26 136, 15 U.S.C. Sec. 1471-1477, 49 C.F.R. Sec. 178.33b, 49 C.F.R. Sec.
27 173, 40 C.F.R. Sec. 152.10, 15 U.S.C. Sec. 1261-1278, 49 U.S.C. 5101
28 et seq., 49 C.F.R. Sec. 178.509, 49 C.F.R. Sec. 179.522, 49 C.F.R.
29 Sec. 178.600-609, and other federal laws; and

30 (vi) The progress made by producers in achieving the goals of
31 this section.

32 (c) Under (a) of this subsection:

33 (i) The department may not adjust the minimum postconsumer
34 recycled content requirements above the minimum postconsumer recycled
35 content percentages for the year under review required pursuant to
36 subsection (4), (5), or (6) of this section.

37 (ii) For plastic household cleaning and personal care product
38 containers, the department may not adjust the minimum postconsumer
39 recycled content requirements above the minimum postconsumer recycled

1 content percentages for the year under review required pursuant to
2 subsection (5) of this section or below a minimum of 10 percent.

3 (iii) For plastic trash bags, the department may not adjust the
4 minimum postconsumer recycled content requirements above the minimum
5 postconsumer recycled content percentages for the year under review
6 required pursuant to subsection (6) of this section or below the
7 minimum percentage required in subsection (6)(a) of this section.

8 (d) A producer or the manufacturing industry for a covered
9 product may appeal a decision by the department to adjust
10 postconsumer recycled content percentages under (a) of this
11 subsection or to temporarily exclude covered products from minimum
12 postconsumer recycled content requirements under subsection (8) of
13 this section to the pollution control hearings board within 30 days
14 of the department's determination.

15 (8) The department must temporarily exclude from minimum
16 postconsumer recycled content requirements for the upcoming year any
17 types of covered products in plastic containers for which a producer
18 annually demonstrates to the department by December 31st of a given
19 year that the achievement of postconsumer recycled content
20 requirements in the container material is not technically feasible in
21 order to comply with health or safety requirements of federal law,
22 including the federal laws specified in subsection (7)(b)(v) of this
23 section. A producer must continue to register and report consistent
24 with the requirements of this chapter for covered products
25 temporarily excluded from minimum postconsumer recycled content
26 requirements under this subsection.

27 (9) A producer that does not achieve the postconsumer recycled
28 content requirements established under this section is subject to
29 penalties established in RCW 70A.245.040.

30 (10)(a) A city, town, county, or municipal corporation may not
31 implement local recycled content requirements for a covered product
32 that is subject to minimum postconsumer recycled content requirements
33 established in this section.

34 (b) A city, town, county, or municipal corporation may establish
35 local purchasing requirements that include recycled content standards
36 that exceed the minimum recycled content requirements established by
37 this chapter for plastic household cleaning and personal care product
38 containers or plastic trash bags purchased by a city, town, or
39 municipal corporation, or its contractor.

1 (11) The department may enter into contracts for the services
2 required to implement this chapter and related duties of the
3 department.

4 (12) In-state distributors, wholesalers, and retailers in
5 possession of covered products manufactured before the date that
6 postconsumer recycled content requirements become effective may
7 exhaust their existing stock through sales to the public.

8 (13) A producer of polypropylene tubs must meet the following
9 annual minimum postconsumer recycled content percentage on average
10 for the total quantity of polypropylene tubs, by weight, that are
11 sold, offered for sale, or distributed in or into Washington by the
12 producer effective as of:

13 (a) (i) Products manufactured between January 1, 2031, through
14 December 31, 2035: No less than 10 percent postconsumer recycled
15 content plastic by weight; and

16 (ii) Products manufactured on and after January 1, 2036: No less
17 than 30 percent postconsumer recycled content plastic by weight.

18 (b) For polypropylene tubs in direct contact with food or edible
19 products:

20 (i) Products manufactured between January 1, 2035, through
21 December 31, 2038: No less than 10 percent postconsumer recycled
22 content plastic by weight; and

23 (ii) Products manufactured on and after January 1, 2040: No less
24 than 30 percent postconsumer recycled content plastic by weight.

25 (14) A producer of single-use plastic cups made of polyethylene
26 terephthalate, polypropylene, or polystyrene must meet the following
27 annual minimum postconsumer recycled content percentage on average
28 for the total quantity of single-use plastic cups, by weight, that
29 are sold, offered for sale, or distributed in or into Washington by
30 the producer effective:

31 (a) For polypropylene single-use plastic cups:

32 (i) Products manufactured between January 1, 2032, through
33 December 31, 2032: No less than 15 percent postconsumer recycled
34 content plastic by weight; and

35 (ii) Products manufactured on and after January 1, 2034: No less
36 than 25 percent postconsumer recycled content plastic by weight.

37 (b) For polyethylene terephthalate and polystyrene single-use
38 plastic cups:

1 (i) Products manufactured between January 1, 2034, through
2 December 31, 2035: No less than 20 percent postconsumer recycled
3 content plastic by weight; and

4 (ii) Products manufactured on and after January 1, 2036: No less
5 than 30 percent postconsumer recycled content plastic by weight.

6 (15) A producer of a polyethylene terephthalate thermoform
7 plastic container must meet the following annual minimum postconsumer
8 recycled content percentage on average for the total quantity of
9 polyethylene terephthalate thermoform plastic containers, by weight,
10 that are sold, offered for sale, or distributed in or into Washington
11 by the producer effective:

12 (a) For packaging for consumable goods:

13 (i) Products manufactured between January 1, 2031, through
14 December 31, 2035: No less than 10 percent postconsumer recycled
15 content plastic by weight; and

16 (ii) Products manufactured on and after January 1, 2036: No less
17 than 30 percent postconsumer recycled content plastic by weight.

18 (b) For packaging for consumable goods in direct contact with
19 food or edible products:

20 (i) Products manufactured between January 1, 2035, through
21 December 31, 2039: No less than 10 percent postconsumer recycled
22 content plastic by weight; and

23 (ii) Products manufactured on and after January 1, 2040: No less
24 than 30 percent postconsumer recycled content plastic by weight.

25 (c)(i) Except as provided in (c)(ii) of this subsection, for
26 packaging used for durable goods: On and after January 1, 2034, no
27 less than 30 percent postconsumer recycled content plastic by weight.

28 (ii) Packaging designed to accompany a durable good where that
29 durable good model is designed prior to the effective date of the
30 requirement in (c)(i) of this subsection is exempt.

31 (16) The department may extend a date identified in subsection
32 (13), (14), or (15) of this section by up to five years for all
33 producers if the department determines there is inadequate
34 availability of recycled material or a substantial disruption in the
35 supply of the recycled material.

36 (17) The department shall suspend the requirements of subsections
37 (13) through (15) of this section if the Washington recycling rate,
38 as determined by the department, reaches or exceeds 65 percent.

1 **Sec. 302.** RCW 70A.245.030 and 2021 c 313 s 4 are each amended to
2 read as follows:

3 (1) (a) Except as provided in (b) (~~and (e)~~) through (d) of this
4 subsection, beginning April 1, 2024, each producer of covered
5 products, individually or through a third party representing a group
6 of producers, must provide an annual report to the department that
7 includes the amount in pounds of virgin plastic and the amount in
8 pounds of postconsumer recycled content by resin type used for each
9 category of covered products that are sold, offered for sale, or
10 distributed in or into Washington state, including the total
11 postconsumer recycled content resins as a percentage of total weight.
12 The report must be submitted in a format and manner prescribed by the
13 department. A manufacturer may submit national data allocated on a
14 per capita basis for Washington to approximate the information
15 required in this subsection if the producer or third-party
16 representative demonstrates to the department that state level data
17 are not available or feasible to generate.

18 (b) The requirements of (a) of this subsection apply to household
19 cleaning and personal care products in plastic containers beginning
20 April 1, 2026.

21 (c) The requirements of (a) of this subsection apply to wine in
22 187 milliliter plastic beverage containers and dairy milk in plastic
23 beverage containers beginning April 1, 2029.

24 (d) The requirements of (a) of this subsection apply to:

25 (i) Polypropylene tubs and polyethylene terephthalate thermoform
26 plastic containers for consumable goods beginning April 1, 2032;

27 (ii) Polypropylene single-use plastic cups beginning April 1,
28 2033;

29 (iii) Polyethylene terephthalate and polystyrene single-use
30 plastic cups and polyethylene terephthalate thermoform plastic
31 container packaging used for durable goods beginning January 1, 2035;
32 and

33 (iv) Polypropylene tubs in direct contact with food and
34 polyethylene terephthalate thermoform plastic container packaging for
35 consumable goods in direct contact with food or edible products
36 beginning April 1, 2036.

37 (e) The department must post the information reported under this
38 subsection on its website, except as provided in subsection (2) of
39 this section.

1 (2) A producer that submits information or records to the
2 department under this chapter may request that the information or
3 records be made available only for the confidential use of the
4 department, the director, or the appropriate division of the
5 department. The director of the department must give consideration to
6 the request and if this action is not detrimental to the public
7 interest and is otherwise in accordance with the policies and
8 purposes of chapter 43.21A RCW, the director must grant the request
9 for the information to remain confidential as authorized in
10 RCW 43.21A.160.

11 NEW SECTION. **Sec. 303.** A new section is added to chapter
12 70A.245 RCW to read as follows:

13 REQUEST FOR WAIVER. (1)(a) A producer may pay a \$1,000 waiver
14 fee, unless exempt from the postconsumer recycled content
15 requirements of RCW 70A.245.020 (13), (14), or (15), and apply to the
16 department for a waiver from the postconsumer recycled content
17 requirements established pursuant to RCW 70A.245.020 (13), (14), or
18 (15). De minimis producers that apply for a waiver under this
19 subsection are not subject to the fee.

20 (b) The department may grant a waiver pursuant to this section if
21 the producer demonstrates, and the department finds, in writing, that
22 any of the following are applicable:

23 (i) The producer cannot achieve the postconsumer recycled content
24 requirements and remain in compliance with applicable rules and
25 regulations adopted by the United States food and drug
26 administration, or any other state or federal law, rule, or
27 regulation;

28 (ii) It is not technically feasible for the producer to achieve
29 the postconsumer recycled content requirements; or

30 (iii) The producer cannot comply with the postconsumer recycled
31 content requirements due to inadequate availability of recycled
32 material or a substantial disruption in the supply of recycled
33 material.

34 (2) Fees paid under this section must be deposited in the
35 recycled content account created in RCW 70A.245.110.

36 NEW SECTION. **Sec. 304.** A new section is added to chapter
37 70A.245 RCW to read as follows:

1 DEPARTMENT'S DUTIES AND LIMITATIONS. (1) The department must
2 ensure that any rules adopted pursuant to this chapter consider
3 guidelines, and not conflict with regulations, issued by the United
4 States food and drug administration and the United States department
5 of agriculture and consider requirements imposed by other Washington
6 state agencies including, but not limited to, the department of
7 agriculture.

8 (2) The department may not impose any requirement including, but
9 not limited to, a postconsumer recycled content requirement, in
10 direct conflict with a federal law or regulation or the requirements
11 necessary to comply with a federal law or regulation including, but
12 not limited to:

13 (a) Laws or regulations covering tamper-evident packaging
14 pursuant to 21 C.F.R. Sec. 211.132;

15 (b) Laws or regulations covering child-resistant packaging
16 pursuant to 16 C.F.R. Sec. 1700.1 et seq.;

17 (c) Regulations, rules, or guidelines issued by the United States
18 department of agriculture or the United States food and drug
19 administration related to packaging agricultural commodities; and

20 (d) Requirements for microbial contamination, structural
21 integrity, or safety of packaging where no viable recyclable or
22 compostable packaging that can meet the requirements exists, pursuant
23 to: (i) The federal food, drug, and cosmetic act (21 U.S.C. Sec. 301
24 et seq.); (ii) 21 U.S.C. Sec. 2101 et seq.; (iii) the federal food
25 and drug administration food safety modernization act (21 U.S.C. Sec.
26 2201 et seq.); (iv) the federal poultry products inspection act (21
27 U.S.C. Sec. 451 et seq.); (v) the federal meat inspection act (21
28 U.S.C. Sec. 601 et seq.); or (vi) the federal egg products inspection
29 act (21 U.S.C. Sec. 1031 et seq.).

30 (3) The department may not impose any requirement including, but
31 not limited to, a postconsumer recycled content requirement, on
32 medical devices, drugs, or dietary supplements as defined in 21
33 U.S.C. Sec. 321 et seq.

34 **Sec. 305.** RCW 70A.245.010 and 2021 c 313 s 2 are each amended to
35 read as follows:

36 The definitions in this section apply throughout this chapter
37 unless the context clearly requires otherwise.

38 (1) ~~(a)~~ "Beverage" means ~~((beverages identified in (a) through (f)~~
39 ~~of this subsection,))~~ liquid products intended for human or animal

1 consumption, and in a quantity more than or equal to two fluid ounces
2 and less than or equal to one gallon:

3 ~~((a))~~ (i) Water and flavored water;

4 ~~((b))~~ (ii) Beer or other malt beverages;

5 ~~((c))~~ (iii) Wine;

6 ~~((d))~~ (iv) Distilled spirits;

7 ~~((e))~~ (v) Mineral water, soda water, and similar carbonated
8 soft drinks; ~~((and~~

9 ~~(f) Any beverage other than those specified in (a) through (e) of
10 this subsection, except))~~ (vi) Dairy milk; and

11 (vii) Any other beverage identified by the department by rule.

12 (b) Beverage does not include infant formula as defined in 21
13 U.S.C. Sec. 321(z), medical food as defined in 21 U.S.C. Sec.
14 360ee(b)(3), or fortified oral nutritional supplements used for
15 persons who require supplemental or sole source nutrition to meet
16 nutritional needs due to special dietary needs directly related to
17 cancer, chronic kidney disease, diabetes, malnutrition, and failure
18 to thrive, as those terms are defined by the international
19 classification of diseases, 10th revision, or other medical
20 conditions as determined by the department.

21 (c) For any multilateral beverage container qualifying under this
22 chapter, postconsumer recycled content requirements only apply to the
23 weight of the plastic components of the container, not overall
24 container weight.

25 (2) "Beverage manufacturing industry" means an association that
26 represents beverage producers.

27 (3) "Condiment packaging" means packaging used to deliver single-
28 serving condiments to customers. Condiment packaging includes, but is
29 not limited to, single-serving packaging for ketchup, mustard,
30 relish, mayonnaise, hot sauce, coffee creamer, salad dressing, jelly,
31 jam, and soy sauce.

32 (4) (a) "Covered product" means an item in one of the following
33 categories subject to minimum postconsumer recycled content
34 requirements:

35 (i) Plastic trash bags;

36 (ii) Household cleaning and personal care products that use
37 plastic household cleaning and personal care product containers;

38 ~~((and))~~

39 (iii) Beverages that use plastic beverage containers;

40 (iv) Plastic tubs;

1 (v) Thermoform plastic polyethylene terephthalate containers; and
2 (vi) Single-use polypropylene, polyethylene terephthalate, or
3 polystyrene cups.

4 (b) "Covered product" does not include any type of container or
5 bag for which the state is preempted from regulating content of the
6 container material or bag material under federal law.

7 (5) "Dairy milk" means a beverage that designates milk as the
8 predominant (first) ingredient in the ingredient list on the
9 container's label.

10 (6) "Department" means the department of ecology.

11 (7) "Expanded polystyrene" means blown polystyrene and expanded
12 and extruded foams that are thermoplastic petrochemical materials
13 utilizing a styrene monomer and processed by any number of techniques
14 including, but not limited to, fusion of polymer spheres (expandable
15 bead polystyrene), injection molding, foam molding, and extrusion-
16 blow molding (extruded foam polystyrene).

17 (8) "Food service business" means a business selling or providing
18 food for consumption on or off the premises, and includes full-
19 service restaurants, fast food restaurants, cafes, delicatessens,
20 coffee shops, grocery stores, vending trucks or carts, home delivery
21 services, delivery services provided through an online application,
22 and business or institutional cafeterias.

23 (9) "Food service product" means a product intended for one-time
24 use and used for food or drink offered for sale or use. Food service
25 products include, but are not limited to, containers, plates, bowls,
26 cups, lids, beverage containers, meat trays, deli rounds, utensils,
27 sachets, straws, condiment packaging, clamshells and other hinged or
28 lidded containers, wrap, and portion cups.

29 (10) "Household cleaning and personal care product" means any of
30 the following:

31 (a) Laundry detergents, softeners, and stain removers;

32 (b) Household cleaning products;

33 (c) Liquid soap;

34 (d) Shampoo, conditioner, styling sprays and gels, and other hair
35 care products; or

36 (e) Lotion, moisturizer, facial toner, and other skin care
37 products.

38 (11) "Household cleaning and personal care product manufacturing
39 industry" means an association that represents companies that
40 manufacture household cleaning products and personal care products.

1 (12) "Licensee" means a manufacturer of a covered product or
2 entity who licenses a brand and manufactures a covered product under
3 that brand. A franchisee is not a licensee unless a franchisee meets
4 the requirements of a licensee under this subsection.

5 (13) "Oral nutritional supplement" means a manufactured liquid,
6 powder capable of being reconstituted, or solid product that contains
7 a combination of carbohydrates, proteins, fats, fiber, vitamins, and
8 minerals intended to supplement a portion of a patient's nutrition
9 intake.

10 (14)(a) "Plastic beverage container" means a bottle or other
11 rigid container that is capable of maintaining its shape when empty,
12 comprised solely of one or multiple plastic resins designed to
13 contain a beverage.

14 (b) Plastic beverage container does not include:

15 ~~((a))~~ (i) Refillable beverage containers, such as containers
16 that are sufficiently durable for multiple rotations of their
17 original or similar purpose and are intended to function in a system
18 of reuse;

19 ~~((b))~~ (ii) Rigid plastic containers or plastic bottles that are
20 or are used for medical devices, medical products that are required
21 to be sterile, nonprescription and prescription drugs, or dietary
22 supplements as defined in RCW 82.08.0293;

23 ~~((c))~~ (iii) Bladders or pouches that contain wine; or

24 ~~((d))~~ (iv) Liners, caps, corks, closures, labels, and other
25 items added externally or internally but otherwise separate from the
26 structure of the bottle or container; and

27 (c) Other products subject to minimum postconsumer recycled
28 content requirements.

29 (15)(a) "Plastic household cleaning ~~((and))~~ container or personal
30 care product container" means a bottle, jug, or other rigid container
31 ~~((with a neck or mouth narrower than the base, and))~~:

32 (i) ~~((A))~~ With a minimum capacity of eight fluid ounces or its
33 equivalent volume;

34 (ii) ~~((A))~~ With a maximum capacity of five fluid gallons or its
35 equivalent volume;

36 (iii) That is capable of maintaining its shape when empty;

37 (iv) Comprised solely of one or multiple plastic resins; and

38 (v) Containing a household cleaning or personal care product.

39 (b) "Plastic household cleaning ~~((and))~~ product container or
40 personal care product container" does not include:

1 (i) Refillable household cleaning (~~and~~) product containers or
2 personal care product containers, such as containers that are
3 sufficiently durable for multiple rotations of their original or
4 similar purpose and are intended to function in a system of reuse;
5 (~~and~~)

6 (ii) Rigid plastic containers or plastic bottles that are medical
7 devices, medical products that are required to be sterile, and
8 nonprescription and prescription drugs, dietary supplements as
9 defined in RCW 82.08.0293, and packaging used for those products;

10 (iii) Other covered products subject to minimum postconsumer
11 recycled content requirements; or

12 (iv) Liners, corks, closures, labels, and other items added
13 externally or internally but otherwise separate from the structure of
14 the bottle or container.

15 (16) "Plastic trash bag" means a bag that is made of
16 noncompostable plastic, is at least 0.70 mils thick, and is designed
17 and manufactured for use as a container to hold, store, or transport
18 materials to be discarded or recycled, and includes, but is not
19 limited to, a garbage bag, recycling bag, lawn or leaf bag, can liner
20 bag, kitchen bag, or compactor bag. "Plastic trash bag" does not
21 include any compostable bags meeting the requirements of chapter
22 70A.455 RCW. "Plastic trash bag" does not include any reusable
23 plastic carryout bag meeting the requirements of RCW
24 70A.530.020(6)(b).

25 (17) "Plastic trash bag manufacturing industry" means an
26 association that represents companies that manufacture plastic trash
27 bags.

28 (18) "Postconsumer recycled content" means the content of a
29 covered product made of recycled materials derived specifically from
30 recycled material generated by households or by commercial,
31 industrial, and institutional facilities in their role as end users
32 of a product that can no longer be used for its intended purpose.
33 "Postconsumer recycled content" includes returns of material from the
34 distribution chain.

35 (19)(a) "Producer" means the following person responsible for
36 compliance with minimum postconsumer recycled content requirements
37 under this chapter for a covered product sold, offered for sale, or
38 distributed in or into this state:

1 (i) If the covered product is sold (~~under~~) with the
2 manufacturer's own brand or lacks identification of a brand, the
3 producer is the person who manufactures the covered product;

4 (ii) If the covered product is manufactured by a person other
5 than the brand owner, the producer is the person who is the licensee
6 of a brand or trademark under which a covered product is sold,
7 offered for sale, or distributed in or into this state, whether or
8 not the trademark is registered in this state, unless the
9 manufacturer or brand owner of the covered product has agreed to
10 accept responsibility under this chapter; or

11 (iii) If there is no person described in (a)(i) and (ii) of this
12 subsection over whom the state can constitutionally exercise
13 jurisdiction, the producer is the person who imports or distributes
14 the covered product in or into the state.

15 (b) A person is the "producer" of a covered product sold, offered
16 for sale, or distributed in or into this state, as defined in (a)(i)
17 through (iii) of this subsection, except where another person has
18 mutually signed an agreement with a producer as defined in (a)(i)
19 through (iii) of this subsection that contractually assigns
20 responsibility to the person as the producer, and the person has
21 joined a registered producer responsibility organization as the
22 responsible producer for that covered product under this chapter.

23 (c) "Producer" does not include:

24 (i) Government agencies, municipalities, or other political
25 subdivisions of the state;

26 (ii) Registered 501(c)(3) charitable organizations and 501(c)(4)
27 social welfare organizations; (~~or~~)

28 (iii) De minimis producers that annually sell, offer for sale,
29 distribute, or import in or into the country for sale in
30 Washington(~~or~~

31 ~~(A) Less~~) less than one ton of a single category of plastic
32 beverage containers, plastic household cleaning and personal care
33 containers, or plastic trash bags each year; or

34 (~~(B) A single category of a covered product that in aggregate~~
35 ~~generates less than \$1,000,000 each year in revenue)) (iv) De minimis
36 producers that have global gross revenue of less than \$5,000,000 for
37 the most recent fiscal year of the organization. The department shall
38 calculate an adjusted rate to maintain the small business exemption
39 by the rate of inflation. The adjusted rate must be calculated to the
40 nearest cent using the consumer price index. Each adjusted rate~~

1 calculated under this subsection takes effect on the following
2 January 1st.

3 (20) (a) "Retail establishment" means any person, corporation,
4 partnership, business, facility, vendor, organization, or individual
5 that sells or provides merchandise, goods, or materials directly to a
6 customer.

7 (b) "Retail establishment" includes, but is not limited to, food
8 service businesses, grocery stores, department stores, hardware
9 stores, home delivery services, pharmacies, liquor stores,
10 restaurants, catering trucks, convenience stores, or other retail
11 stores or vendors, including temporary stores or vendors at farmers
12 markets, street fairs, and festivals.

13 (21) (a) "Utensil" means a product designed to be used by a
14 consumer to facilitate the consumption of food or beverages,
15 including knives, forks, spoons, cocktail picks, chopsticks, splash
16 sticks, and stirrers.

17 (b) "Utensil" does not include plates, bowls, cups, and other
18 products used to contain food or beverages.

19 (22) "Brand" means a name, symbol, word, logo, or mark that
20 identifies a product and attributes the product and its components,
21 including packaging, to the brand owner of the product as the
22 producer.

23 (23) "Durable good" means a product that provides utility over an
24 extended period of time.

25 (24) "Entity" means an individual and any form of business
26 enterprise. For purposes of calculating the de minimis producer
27 thresholds under this chapter, a producer entity includes all legal
28 entities that are affiliated by common ownership of 50 percent or
29 greater, including parents, subsidiaries, and commonly owned
30 affiliates.

31 (25) (a) "Polyethylene terephthalate thermoform plastic container"
32 means a clear or colored plastic container, such as a clamshell, lid,
33 tray, egg carton, trifold, or similar rigid, nonbottle packaging,
34 formed from sheets of extruded polyethylene terephthalate resin and
35 used to package consumable or durable goods that reach consumers,
36 including:

37 (i) Branded and prepackaged containers that have been filled with
38 products and sealed prior to receipt by the retail establishment,
39 such as fresh produce, baked goods, nuts, toys, electronics, and
40 tools;

1 (ii) Containers that may be filled at the point-of-sale at a
2 retail establishment;

3 (iii) Unfilled containers that are sold directly;

4 (iv) Hinged plastic containers, commonly known as "clamshells" or
5 "blister packaging";

6 (v) Two-piece unhinged containers;

7 (vi) One-piece containers without lids, such as trays; and

8 (vii) Trifold or tent containers with one or more hinges and a
9 flat bottom.

10 (b) "Polyethylene terephthalate thermoform plastic container"
11 does not include:

12 (i) Household cleaning products or personal care products;

13 (ii) Polypropylene plastic tubs;

14 (iii) Refillable containers, such as containers that are
15 sufficiently durable for multiple rotations of their original or
16 similar purpose and are intended to function in a system of reuse;

17 (iv) A lid or seal of a different material type from plastic;

18 (v) A refillable polyethylene terephthalate thermoform plastic
19 container that ordinarily would be returned to the manufacturer to be
20 refilled and resold;

21 (vi) Plastic containers that are or are used for medical devices,
22 medical products that are required to be sterile, prescription drugs,
23 or dietary supplements as defined in RCW 82.08.0293;

24 (vii) Other covered products subject to minimum postconsumer
25 recycled content requirements under this chapter; and

26 (viii) Polyethylene terephthalate thermoform plastic containers
27 accompanying a durable good when the durable good model, and the
28 associated packaging, was designed prior to January 1, 2028.

29 (26) (a) "Polypropylene plastic tub" means a wide mouth, rigid
30 container used to package consumable or durable goods that reach
31 consumers, with a maximum capacity of 50 ounces, that is:

32 (i) Capable of maintaining its shape when empty;

33 (ii) Comprised solely of polypropylene; and

34 (iii) Sealed with tamper-proof film or a detachable lid capable
35 of multiple openings and closures.

36 (b) "Polypropylene plastic tub" does not include:

37 (i) Household cleaning and personal care products;

38 (ii) Plastic containers that are or are used for medical devices,
39 medical products that are required to be sterile, nonprescription and

1 prescription drugs, or dietary supplements as defined in RCW
2 82.08.0293;

3 (iii) Polyethylene terephthalate thermoform plastic containers;

4 (iv) Single-use plastic cups made of polypropylene, polyethylene
5 terephthalate, or polystyrene; and

6 (v) Other covered products subject to minimum postconsumer
7 recycled content requirements.

8 (27)(a) "Single-use plastic cup" means all beverage cups that are
9 nonsealed or sealed at point-of-sale.

10 (b) Single-use plastic cups do not include: (i) Commercially or
11 home compostable cups; (ii) expanded polystyrene cups; (iii)
12 composite plastic-lined fiber cups; or (iv) other covered products
13 subject to minimum postconsumer recycled content requirements.

14 **PART 4**

15 **MISCELLANEOUS**

16 **Sec. 401.** RCW 81.77.195 and 2010 c 154 s 4 are each amended to
17 read as follows:

18 (1) Upon (~~request of~~) its own motion, or upon request by a
19 solid waste collection company or a county, the commission may
20 approve rates, charges, or services at a discount for low-income
21 senior customers and low-income customers(~~, as adopted by the county~~
22 in its comprehensive solid waste management plan)). Expenses and lost
23 revenues as a result of these discounts must be included in the
24 company's cost of service and recovered in rates to other customers.

25 (2) In order to remove barriers and to expedite assistance, low-
26 income discounts approved under this section must be provided in
27 coordination with community-based organizations in the solid waste
28 collection company's service territory including, but not limited to,
29 city and county government, grantees of the department of commerce,
30 community action agencies, and community-based nonprofit
31 organizations. Nothing in this section may be construed as limiting
32 the commission's authority to approve or modify tariffs authorizing
33 low-income discounts.

34 (3) Eligibility for a low-income discount rate established in
35 this section must be established upon verification of a low-income
36 customer's receipt of any means-tested public benefit by an
37 organization identified in subsection (2) of this section, for which
38 eligibility does not exceed the low-income definition set by the

1 commission pursuant to RCW 19.405.020. The public benefits may
2 include, but are not limited to, assistance that provides cash,
3 housing, food, or medical care including, but not limited to,
4 temporary assistance for needy families, supplemental security
5 income, emergency assistance to elders, disabled, and children,
6 supplemental nutrition assistance program benefits, public housing,
7 federally subsidized or state-subsidized housing, the low-income home
8 energy assistance program, veterans' benefits, and similar benefits.

9 (4) Each solid waste collection company that offers a low-income
10 discount shall conduct outreach efforts to make the low-income
11 discounts available to eligible customers. Such outreach:

12 (a) Must be made at least biannually to inform customers of
13 available rebates, discounts, credits, and other cost-saving
14 mechanisms that can help them lower their monthly bills for solid
15 waste collection service; and

16 (b) May be in the form of any customary and usual methods of
17 communication or distribution including, without limitation, widely
18 broadcast communications with customers, direct mailing, telephone
19 calls, electronic communications, social media postings, in-person
20 contacts, websites of the solid waste collection company, press
21 releases, and print and electronic media, that are designed to
22 increase access to and participation in bill assistance programs.

23 (5) Outreach may include establishing an automated program of
24 matching customer accounts with lists of recipients of the means-
25 tested public benefit programs and, based on the results of the
26 matching program, to presumptively offer a low-income discount rate
27 to eligible customers so identified. However, the solid waste
28 collection company must within 60 days of the presumptive enrollment
29 inform such a low-income customer of the presumptive enrollment and
30 all rights and obligations of a customer under the program, including
31 the right to withdraw from the program without penalty.

32 (6) A residential customer eligible for a low-income discount
33 rate must receive the service on demand.

34 (7) A residential customer may not be charged for initiating or
35 terminating low-income discount rates.

36 (8) A solid waste collection company is not required to make
37 eligibility determinations for low-income rates.

38 (9) The commission may adopt rules or guidance to administer and
39 determine eligibility for discounts for low-income customers.

1 (10) For the purposes of this subsection, "low-income" has the
2 same meaning as defined in RCW 19.405.020.

3 **Sec. 402.** RCW 43.21B.110 and 2024 c 347 s 5, 2024 c 340 s 4, and
4 2024 c 339 s 16 are each reenacted and amended to read as follows:

5 (1) The hearings board shall only have jurisdiction to hear and
6 decide appeals from the following decisions of the department, the
7 director, local conservation districts, the air pollution control
8 boards or authorities as established pursuant to chapter 70A.15 RCW,
9 local health departments, the department of natural resources, the
10 department of fish and wildlife, the parks and recreation commission,
11 and authorized public entities described in chapter 79.100 RCW:

12 (a) Civil penalties imposed pursuant to chapter 70A.230 RCW and
13 RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.230.020,
14 70A.205.280, 70A.355.070, 70A.430.070, 70A.500.260, 70A.505.100,
15 70A.505.110, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040,
16 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140,
17 70A.65.200, 70A.455.090, 70A.550.030, 70A.555.110, 70A.560.020,
18 70A.565.030, section 207 of this act, 76.09.170, 77.55.440,
19 78.44.250, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310,
20 90.56.330, and 90.64.102.

21 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
22 18.104.130, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.15.4530,
23 70A.15.6010, 70A.205.280, 70A.214.140, 70A.300.120, 70A.350.070,
24 70A.245.020, 70A.65.200, 70A.505.100, 70A.555.110, 70A.560.020,
25 70A.565.030, 86.16.020, 88.46.070, 90.03.665, 90.14.130, 90.46.250,
26 90.48.120, 90.48.240, 90.56.330, and 90.64.040.

27 (c) Except as provided in RCW 90.03.210(2), the issuance,
28 modification, or termination of any permit, certificate, or license
29 by the department or any air authority in the exercise of its
30 jurisdiction, including the issuance or termination of a waste
31 disposal permit, the denial of an application for a waste disposal
32 permit, the modification of the conditions or the terms of a waste
33 disposal permit, a decision to approve or deny a solid waste
34 management plan under RCW 70A.205.055, approval or denial of an
35 application for a beneficial use determination under RCW 70A.205.260,
36 an application for a change under RCW 90.03.383, or a permit to
37 distribute reclaimed water under RCW 90.46.220.

1 (d) Decisions of local health departments regarding the granting
2 or denial of solid waste permits pursuant to chapter 70A.205 RCW,
3 including appeals by the department as provided in RCW 70A.205.130.

4 (e) Decisions of local health departments regarding the issuance
5 and enforcement of permits to use or dispose of biosolids under RCW
6 70A.226.090.

7 (f) Decisions of the department regarding waste-derived
8 fertilizer or micronutrient fertilizer under RCW 15.54.820.

9 (g) Decisions of local conservation districts related to the
10 denial of approval or denial of certification of a dairy nutrient
11 management plan; conditions contained in a plan; application of any
12 dairy nutrient management practices, standards, methods, and
13 technologies to a particular dairy farm; and failure to adhere to the
14 plan review and approval timelines in RCW 90.64.026 as provided in
15 RCW 90.64.028.

16 (h) Any other decision by the department or an air authority
17 which pursuant to law must be decided as an adjudicative proceeding
18 under chapter 34.05 RCW.

19 (i) Decisions of the department of natural resources, the
20 department of fish and wildlife, and the department that are
21 reviewable under chapter 76.09 RCW, and the department of natural
22 resources' appeals of county, city, or town objections under RCW
23 76.09.050(7).

24 (j) Forest health hazard orders issued by the commissioner of
25 public lands under RCW 76.06.180.

26 (k) Decisions of the department of fish and wildlife to issue,
27 deny, condition, or modify a hydraulic project approval permit under
28 chapter 77.55 RCW, to issue a stop work order, to issue a notice to
29 comply, to issue a civil penalty, or to issue a notice of intent to
30 disapprove applications.

31 (l) Decisions of the department of natural resources that are
32 reviewable under RCW 78.44.270.

33 (m) Decisions of an authorized public entity under RCW 79.100.010
34 to take temporary possession or custody of a vessel or to contest the
35 amount of reimbursement owed that are reviewable by the hearings
36 board under RCW 79.100.120.

37 (n) Decisions of the department of ecology that are appealable
38 under RCW 70A.245.020 to set recycled minimum postconsumer content
39 for covered products or to temporarily exclude types of covered

1 products in plastic containers from minimum postconsumer recycled
2 content requirements.

3 (o) Orders by the department of ecology under RCW 70A.455.080.

4 (2) The following hearings shall not be conducted by the hearings
5 board:

6 (a) Hearings required by law to be conducted by the shorelines
7 hearings board pursuant to chapter 90.58 RCW, except where appeals to
8 the pollution control hearings board and appeals to the shorelines
9 hearings board have been consolidated pursuant to RCW 43.21B.340.

10 (b) Hearings conducted by the department pursuant to RCW
11 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100,
12 70A.15.3110, and 90.44.180.

13 (c) Appeals of decisions by the department under RCW 90.03.110
14 and 90.44.220.

15 (d) Hearings conducted by the department to adopt, modify, or
16 repeal rules.

17 (3) Review of rules and regulations adopted by the hearings board
18 shall be subject to review in accordance with the provisions of the
19 administrative procedure act, chapter 34.05 RCW.

20 NEW SECTION. **Sec. 403.** Sections 201 through 208 of this act
21 constitute a new chapter in Title 70A RCW.

22 NEW SECTION. **Sec. 404.** If any provision of this act or its
23 application to any person or circumstance is held invalid, the
24 remainder of the act or the application of the provision to other
25 persons or circumstances is not affected.

--- END ---