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**SUBSTITUTE HOUSE BILL 1420**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** House Environment & Energy (originally sponsored by Representatives Reeves, Berry, Mena, Peterson, Ramel, Doglio, Pollet, Ormsby, and Hill)

READ FIRST TIME 02/17/25.

1 AN ACT Relating to establishing producer responsibility for  
2 textiles; reenacting and amending RCW 43.21B.110 and 43.21B.300;  
3 adding a new chapter to Title 70A RCW; and prescribing penalties.

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

5 NEW SECTION. **Sec. 1.** The intent of this chapter is to establish  
6 a statewide extended producer responsibility program for apparel and  
7 textile articles that emphasizes repair and reuse, and minimizes  
8 generation of hazardous waste, generation of greenhouse gases,  
9 environmental impacts, environmental justice impacts, and public  
10 health impacts.

11 NEW SECTION. **Sec. 2.** The definitions in this section apply  
12 throughout this chapter unless the context clearly requires  
13 otherwise.

14 (1)(a) "Apparel" means clothing and accessory items intended for  
15 regular wear or formal occasions and outdoor activities.

16 (b) "Apparel" includes undergarments, shirts, pants, skirts,  
17 dresses, overalls, bodysuits, costumes, vests, dancewear, suits,  
18 saris, scarves, tops, leggings, school uniforms, leisurewear,  
19 athletic wear, sports uniforms, swimwear, formal wear, onesies, bibs,  
20 footwear, handbags, backpacks, knitted and woven accessories,

1 jackets, coats, snow pants, ski pants, and everyday uniforms for  
2 workwear.

3 (c) "Apparel" does not include any of the following:

4 (i) Personal protective equipment worn to protect the wearer from  
5 health or environmental hazards;

6 (ii) Personal protective equipment or clothing items for use by  
7 the United States military; or

8 (iii) Reusable products designed to collect and absorb urine and  
9 feces, or reusable products regulated by the United States food and  
10 drug administration that are designed to collect and absorb  
11 menstruation or vaginal discharge.

12 (2) "Authorized collector" means a person or entity that has  
13 entered into an agreement with a producer responsibility organization  
14 to collect covered products.

15 (3) "Authorized sorter" means a person or entity that has entered  
16 into an agreement with a producer responsibility organization to sort  
17 covered products collected by authorized collectors.

18 (4) "Brand" means a trademark, including both a registered  
19 trademark and an unregistered trademark, a logo, a name, a symbol, a  
20 word, an identifier, or a traceable mark that identifies a covered  
21 product and identifies the owner or licensee of the brand.

22 (5) "Collection box" means an unattended container, box,  
23 receptacle, or similar device used for soliciting and collecting  
24 donations of covered products, including apparel or textile articles.

25 (6) "Collection site" means a permanent or temporary location  
26 operated by an authorized collector at which covered products are  
27 collected and prepared for transport in accordance with the  
28 requirements of this chapter.

29 (7) "Consumer" means an owner of a covered product, including a  
30 person, business, corporation, limited partnership, nonprofit  
31 organization, or governmental entity, and includes the ultimate  
32 purchaser, owner, or lessee of a covered product who is not, as to  
33 that covered product, the distributor, importer, producer, recycler,  
34 retailer, or producer responsibility organization.

35 (8) "Covered product" means an apparel or textile article  
36 introduced into the state.

37 (9) "Department" means the department of ecology.

38 (10) "Distributor" means a company that has a contractual  
39 relationship with one or more producers to market and sell covered  
40 products to a retailer.

1 (11) "Importer" means either:

2 (a) A person qualifying as an importer of record for purposes of  
3 19 U.S.C. Sec. 1484(a)(2)(B), as it existed as of January 1, 2025,  
4 with regard to the import of a covered product that is sold,  
5 distributed for sale, or offered for sale in or into the state that  
6 was manufactured or assembled by a company outside of the United  
7 States; or

8 (b) A person importing into the state for sale, distributing for  
9 sale, or offering for sale in the state a covered product for use in  
10 the state that was manufactured or assembled by a company physically  
11 located outside of the state.

12 (12) "Introduce" means to sell, offer for sale, distribute, or  
13 ship a product within or into this state.

14 (13) "Local jurisdiction" means a county, city, or other  
15 political subdivision of the state that provides solid waste  
16 collection services.

17 (14) "Mail-back program" means a method of collecting covered  
18 products using prepaid, preaddressed, mailing envelopes, boxes, or  
19 other means that are reusable, recyclable, or compostable.

20 (15) "Needs assessment" means a needs assessment prepared under  
21 section 5 of this act.

22 (16) "Online marketplace" means a consumer-directed,  
23 electronically accessed platform for which all of the following are  
24 true:

25 (a) The platform includes features that allow for, facilitate, or  
26 enable third-party sellers to engage in the sale, purchase, payment,  
27 storage, shipping, or delivery of a covered product in this state;

28 (b) The features described in (a) of this subsection are used by  
29 third-party sellers; and

30 (c) The platform has a contractual relationship with consumers  
31 governing their use of the platform to purchase consumer products.

32 (17)(a) "Producer" means:

33 (i) A person who manufactures a covered product and owns or is  
34 the licensee of the brand or trademark under which that covered  
35 product is introduced in or into the state;

36 (ii) If there is no person in Washington who is the producer for  
37 purposes of (a)(i) of this subsection, the producer of the covered  
38 product is the owner of a brand or trademark or, if the owner is not  
39 in the state, the exclusive licensee of a brand or trademark under  
40 which the covered product is sold, imported for sale, offered for

1 sale, or distributed for sale in or into the state, regardless of  
2 whether the trademark is registered. For purposes of this subsection,  
3 an exclusive licensee is a person holding the exclusive right to use  
4 a trademark or brand in the state in connection with the manufacture,  
5 sale, or distribution for sale in or into the state of the covered  
6 product;

7 (iii) If there is no person in the state who is the producer for  
8 purposes of (a)(i) or (ii) of this subsection, then the producer of  
9 the covered product is the person that imports the covered product  
10 into the state for sale or distribution;

11 (iv) If there is no other person in the state who is the producer  
12 for purposes of (a)(i), (ii), or (iii) of this subsection, the  
13 producer of the covered product is the distributor, retailer, or  
14 wholesaler who sells the product in or into the state; or

15 (v) A person is the "producer" of a covered material introduced  
16 in or into this state, as defined in (a)(i) through (iv) of this  
17 subsection, except where another person has mutually signed an  
18 agreement with a producer as defined in (a)(i) through (iv) of this  
19 subsection that contractually assigns responsibility to the person as  
20 the producer, and the person has joined a registered producer  
21 responsibility organization as the responsible producer for that  
22 covered material under this chapter. If another person is assigned  
23 responsibility as the producer under this subsection, the producer  
24 under (a)(i) through (v) of this subsection must provide written  
25 certification of that contractual agreement to the producer  
26 responsibility organization; (b) For purposes of this chapter, the  
27 sale of a covered product must be deemed to occur in the state if the  
28 covered product is delivered to the customer in the state;

29 (c) "Producer" does not include:

30 (i) A seller that sells only secondhand covered products;

31 (ii)(A) A seller with less than \$1,000,000 in annual aggregate  
32 global turnover as annually adjusted for inflation. The department  
33 must use the consumer price index for urban wage earners to calculate  
34 the annual rate of inflation adjustment effective January 1st of each  
35 year.

36 (B) The aggregate global turnover of a producer must be  
37 calculated by adding together the respective turnovers of all of the  
38 following:

39 (I) The producer concerned;

1 (II) Those entities in which the producer is concerned directly  
2 or indirectly, through ownership of more than one-half of the capital  
3 or business assets, through the power to exercise more than one-half  
4 of the voting rights, through the power to appoint more than one-half  
5 of the members of the supervisory board, the administrative board, or  
6 bodies legally representing the undertakings, or through the right to  
7 manage the entities' affairs;

8 (III) Those entities that have the rights or powers identified in  
9 (c)(ii)(B)(II) of this subsection;

10 (IV) Those entities in which an entity referred to in  
11 (c)(ii)(B)(III) of this subsection has the rights or powers listed in  
12 (c)(ii)(B)(II) of this subsection; or

13 (V) Those entities in which two or more entities referred to in  
14 (c)(ii)(B)(I) through (IV) of this subsection jointly have the rights  
15 or powers listed in (c)(ii)(B) of this subsection.

16 (18) "Producer responsibility organization" means:

17 (a) An organization that is exempt from taxation under section  
18 501(c)(3) of the federal internal revenue code of 1986, is formed for  
19 the purpose of implementing a plan to meet the requirements of this  
20 chapter, and is approved by the department; or

21 (b) A producer that registers with the department as a producer  
22 responsibility organization and implements an individual plan  
23 addressing the covered products of the producer.

24 (19) "Plan" means the plan developed by the producer  
25 responsibility organization for the collection, transportation,  
26 repair, recycling, and safe and proper management of covered products  
27 under this chapter containing the contents specified in section 6 of  
28 this act and submitted to the department for approval under section 7  
29 of this act.

30 (20) "Repair" means any alteration or improvement of damaged  
31 covered product deemed worth the cost of repair by criteria  
32 established by the plan including, but not limited to:

33 (a) Redesigning and repurposing;

34 (b) Mending rips, holes, seams, or hems;

35 (c) Removing and repairing surface damage, such as pilling, stain  
36 removal, or abrasion;

37 (d) Securing and reattaching buttons and other fastenings;

38 (e) Dyeing, redyeing, over dyeing, or printing of images on  
39 covered products; or

40 (f) Preparation for reuse and resale.

1 (21) "Responsible market" means an entity that:

2 (a) First produces and sells, transfers, or uses recycled product  
3 or recycled content feedstock that meets the quality standards  
4 necessary to be used in the creation of new or reconstituted  
5 products;

6 (b) Complies with all applicable federal, state, and local  
7 statutes, rules, ordinances, and other laws governing environmental,  
8 health, safety, and financial responsibility;

9 (c) If the market operates in the state, manages waste according  
10 to the state's solid waste management hierarchy established in RCW  
11 70A.205.005(8); and

12 (d) Meets the minimum operational standards adopted under a  
13 producer responsibility organization plan to protect the environment,  
14 public health, worker health and safety, and minimize adverse impacts  
15 to socially vulnerable populations.

16 (22) "Responsible producer" means a producer that is not excluded  
17 under subsection (16)(c) of this section.

18 (23) "Retailer" means a person who sells or offers for sale a  
19 covered product in or into the state to a person through any means  
20 including, but not limited to, sales outlets, catalogs, the  
21 telephone, the internet, or any electronic means.

22 (24) "Reuse" means the resale of a collected covered product to a  
23 consumer for its original intended use with or without repair.

24 (25) "Secondhand covered product" means any covered product that  
25 has previously been owned by a consumer.

26 (26) "Secondhand markets" means a retailer who sells secondhand  
27 covered products including, but not limited to, thrift stores,  
28 collection box operators, online resale platforms, and flea markets.

29 (27) "Socially vulnerable population" includes:

30 (a) Any person residing in a census tract that contains a high  
31 overall social vulnerability index as measured using the United  
32 States center for disease control's and the agency for toxic  
33 substances and disease registry's social vulnerability index, as it  
34 existed as of January 1, 2025, for the most recent year such data are  
35 available; and

36 (b) Any person who has an income below the minimum necessary for  
37 a household based on family composition in a given geography to  
38 adequately meet their basic needs without public or private  
39 assistance, as measured by the University of Washington's center for  
40 women's welfare, for the most recent year such data are available.

1 (28) (a) "Textile article" means an item customarily used in  
2 households or businesses that are made entirely or primarily from a  
3 natural, artificial, or synthetic fiber, yarn, or fabric. For  
4 purposes of this chapter, "textile article" includes blankets,  
5 curtains, fabric window coverings, knitted and woven accessories,  
6 towels, tapestries, bedding, tablecloths, napkins, linens, and  
7 pillows.

8 (b) "Textile article" does not include single-use products  
9 including paper towels, paper napkins, toilet paper, facial tissue,  
10 or wet or dry wipes.

11 (29) "Third-party seller" means a person or entity, independent  
12 of an online marketplace, who sells, offers to sell, or contracts  
13 with an online marketplace to sell a consumer product in the state by  
14 or through an online marketplace.

15 NEW SECTION. **Sec. 3.** (1) By January 1, 2027, each producer of a  
16 covered product must register with the department as a producer  
17 responsibility organization, or join a producer responsibility  
18 organization that registers on behalf of its member producers with  
19 the department. The application of a producer responsibility  
20 organization must describe how the producer responsibility  
21 organization meets the registration requirements of this section. If  
22 registration applications for more than one producer responsibility  
23 organization, other than individual producers registering as producer  
24 responsibility organizations, are submitted to the department, the  
25 department must determine and register the proposed producer  
26 responsibility organization that can most effectively implement this  
27 chapter.

28 (2) The department must, by March 1, 2027, approve a producer  
29 responsibility organization that meets the requirements of this  
30 chapter and:

31 (a) The producer responsibility organization has a governing  
32 board consisting of producers that are diverse in size and type and  
33 that represent the diversity of covered products placed in the market  
34 by those entities. The governing board may include ex officio members  
35 involved in the collection, sorting, repair, reuse, recycling, or  
36 management of covered products; and

37 (b) The producer responsibility organization demonstrates that it  
38 has adequate financial responsibility and financial controls in

1 place, including fraud prevention measures and an audit schedule, to  
2 ensure proper management of funds.

3 (3) After January 1, 2036, the department may determine that an  
4 additional producer responsibility organization would be beneficial  
5 in satisfying the requirements of this chapter, and may approve the  
6 registration of additional producer responsibility organizations that  
7 meet the requirements of this chapter and that:

8 (a) Submits to the department, and agrees to cover the  
9 department's reasonable costs to review, a petition to establish a  
10 new producer responsibility organization;

11 (b) Is composed of a sufficient number of producers to jointly  
12 comply with the requirements of this chapter; and

13 (c) The proposed producer responsibility organization agrees to  
14 cover the costs of all of the provisions of this chapter applicable  
15 to the proposed producer responsibility organization and its  
16 participant producers.

17 (4) The requirements of subsections (2)(a) and (b) and (3)(a),  
18 (b), and (c) of this subsection do not apply to producers registering  
19 with the department as a producer responsibility organization. The  
20 department may require an individual producer registering with the  
21 department as a producer responsibility organization to pay  
22 incremental costs to the department under this chapter associated  
23 with the registration of the individual producer as a producer  
24 responsibility organization.

25 (5) Each producer covered under a producer responsibility  
26 organization must register with that producer responsibility  
27 organization in accordance with the procedures and requirements  
28 established by that producer responsibility organization and must  
29 comply with those procedures and requirements.

30 (6) Upon the approval of a plan under this chapter or by July 1,  
31 2031, whichever is sooner, a producer is subject to penalties under  
32 this chapter unless:

33 (a) The producer is a participant of a producer responsibility  
34 organization whose registration has been approved by the department  
35 or the producer has received registration approval from the  
36 department as a producer responsibility organization; and

37 (b) (i) For producers that have joined a producer responsibility  
38 organization, all covered products are accounted for in the plan; or

1 (ii) For producers that are registered as a producer  
2 responsibility organization, all covered products of the producer are  
3 accounted for in the plan; and

4 (c) If an entity does not meet the definition of a producer and  
5 is not subject to this chapter before January 1, 2031, but at any  
6 point, after January 1, 2031, meets the definition of a producer, the  
7 producer must, within 90 days, become a participant of the producer  
8 responsibility organization or register with the department as a  
9 producer responsibility organization, and comply with the  
10 requirements of this chapter.

11 (7) A producer is not in compliance with this chapter and is  
12 subject to penalties under section 15 of this act if a covered  
13 product sold or offered for sale by the producer is not subject to an  
14 approved producer responsibility organization plan.

15 (8)(a) No later than 30 days after the effective date of rules  
16 adopted by the department to implement this chapter, each producer or  
17 the producer responsibility organization must provide the department,  
18 in a form and manner established by the department, a list of brands  
19 of covered products that each producer sells, distributes for sale,  
20 imports for sale, or offers for sale in or into the state;

21 (b) A producer or producer responsibility organization must  
22 update the list described in (a) of this subsection and provide the  
23 updated list to the department on or before January 15th of each  
24 year, or upon request of the department.

25 NEW SECTION. **Sec. 4.** (1) Each producer responsibility  
26 organization whose registration has been approved by the department  
27 under section 3 of this act must, individually or collaboratively,  
28 prepare and cover the costs of the needs assessments described in  
29 section 5 of this act.

30 (2) Each producer responsibility organization must manage  
31 collection sites consistent with section 9 of this act.

32 (3) Each participant of a producer responsibility organization  
33 with an approved plan must comply with the requirements of this  
34 chapter. The producer responsibility organization must notify the  
35 department within 30 calendar days of any of the following:

36 (a) The end of any three-month period in which the producer  
37 responsibility organization unsuccessfully attempted to obtain a fee,  
38 records, or other information from a participant producer, or  
39 received incomplete or incorrect records or information;

1 (b) The date a producer no longer participates in a producer  
2 responsibility organization's plan; or

3 (c) Any instance of noncompliance by a producer.

4 (4)(a) Producers and a producer responsibility organization,  
5 acting on behalf of producers that prepare, submit, and implement a  
6 plan pursuant to this chapter and who are thereby subject to  
7 regulation by the department, are hereby granted immunity from state  
8 laws relating to antitrust, restraint of trade, unfair trade  
9 practices, and other regulation of trade and commerce, for the  
10 limited purpose of planning, reporting, and operating the stewardship  
11 program, including:

12 (i) The creation, implementation, or management of the producer  
13 responsibility organization and any plan regardless of whether it is  
14 submitted, denied, or approved;

15 (ii) The cost and structure of a plan; and

16 (iii) The types or quantities of covered products being managed  
17 pursuant to this chapter.

18 (b) The immunity granted in (a) of this subsection does not apply  
19 to:

20 (i) Fixing a price of or for covered products, except for an  
21 agreement related to costs or charges associated with participation  
22 in a plan approved by the department;

23 (ii) Fixing the output or production of covered products; or

24 (iii) Restricting the geographic area in which, or customers to  
25 whom, covered products will be sold.

26 NEW SECTION. **Sec. 5.** (1)(a) Each statewide needs assessment  
27 carried out by a producer responsibility organization must be  
28 designed to determine the necessary steps and investment needed for  
29 covered products to achieve the requirements of this chapter.

30 (b) An initial needs assessment for covered products must be  
31 completed prior to the completion and approval of a plan for covered  
32 products under this chapter. The initial needs assessment must be  
33 submitted to the department by March 1, 2028. The department must  
34 review and approve, conditionally approve, or disapprove the needs  
35 assessment as meeting the requirements of this section within 90 days  
36 of submission.

37 (c) Needs assessments must be updated, in whole or in part, at  
38 least every five years, and as necessary to ensure the requirements  
39 of this chapter are met.

1 (d) A producer responsibility organization may select an  
2 independent third-party contractor to complete the needs assessment.

3 (e) A producer responsibility organization may prepare more than  
4 one needs assessment, with each assessment specific to one or more  
5 covered products under this chapter, or may prepare one comprehensive  
6 needs assessment that includes all covered products under this  
7 chapter.

8 (2) Each needs assessment must comply with all of the following:

9 (a) Be designed to inform the program budget and plan; and

10 (b) Include an evaluation of all of the following with respect to  
11 covered products and covered product categories:

12 (i) Existing scope and scale of annual covered products diverted  
13 to landfill or incineration in the state by type of covered product,  
14 material composition, and volume and annual covered product recovery  
15 diverted to reuse, repair, or recycling in the state or from the  
16 state by type of covered product, material composition, and volume;

17 (ii) The current repair, reuse, recycling, collection, sorting,  
18 and hauling system in the state and the expanded access and  
19 additional repair, reuse, recycling, collection, sorting,  
20 disassembly, and hauling options needed to meet the requirements of  
21 this chapter;

22 (iii) Current market conditions and the need to create  
23 responsible and economically viable end markets in the state,  
24 regionally, and globally;

25 (iv) Existing state statutory provisions and funding sources  
26 related to market development and financial incentives to help  
27 achieve the state's goals related to repair, reuse, recycling,  
28 collection, sorting, disassembly, and hauling;

29 (v) Consumer education needs and the methods by which the  
30 producer responsibility organization can best reach customers with  
31 educational messaging;

32 (vi) Consumer behaviors to drive repair, reuse, and recycling and  
33 to achieve the requirements of this chapter;

34 (vii) Funding needs and incentive mechanisms necessary to achieve  
35 the requirements of this chapter, including coverage of the operation  
36 of the stewardship program;

37 (viii) Fee reduction or redistribution mechanism necessary to  
38 achieve the requirements of this chapter, in a manner that equitably  
39 distributes the costs among participating producers that reflects  
40 production and sales volumes relevant to the Washington market. Fee

1 reduction or redistribution mechanisms may consider existing producer  
2 collection, repair, reuse, and recycling programs that help achieve  
3 the purpose of this chapter;

4 (ix) Actions and investments necessary to provide sufficient  
5 access to collection, recycling, composting, processing, and  
6 transportation to responsible and economically viable end markets;

7 (x) An assessment of the availability of existing nonprofit  
8 organizations that repair and upcycle covered products;

9 (xi) An evaluation of the availability or lack of availability of  
10 responsible markets for recycled covered products, the need to  
11 incentivize reused products or recycled material market development,  
12 and the associated investments or actions needed to ensure that the  
13 covered products are reused or recycled and have responsible and  
14 economically viable and sufficient end markets;

15 (xii) The needs assessment must include an evaluation of the  
16 factors contributing to the presence of perfluoroalkyl and  
17 polyfluoroalkyl chemicals and other chemicals identified or regulated  
18 under chapters 70A.350 and 70A.430 RCW, and the actions and  
19 investments needed to avoid contamination related to recycling. This  
20 must include available end markets for recycled material that cannot  
21 be remanufactured into textiles or textile articles in Washington;  
22 and

23 (xiii) Evaluate what factors will be important to successfully  
24 implement the eco-modulated fee structure required by section 10 of  
25 this act, and what associated data collection will be necessary as  
26 part of the plan.

27 (3) The department must guide development of each needs  
28 assessment. A producer responsibility organization must develop the  
29 needs assessment in consultation with a broad diversity of local  
30 jurisdictions, federally recognized Indian tribes, recycling service  
31 providers, and processors that reflect the different needs and  
32 challenges presented by managing different covered products through  
33 final disposition.

34 NEW SECTION. **Sec. 6.** (1) Plans must be submitted, reviewed, and  
35 approved consistent with section 7 of this act.

36 (2) Plans for covered products must be designed to accept and  
37 manage all postconsumer covered products and must include all of the  
38 following:

1 (a) The names and contact information, including email address,  
2 phone number, and mailing and physical addresses, of producers and  
3 brands of covered products under the plan;

4 (b) (i) A description of the method to establish and administer a  
5 means for fully funding the producer responsibility organization,  
6 consistent with section 10 of this act, including a proposed five-  
7 year budget;

8 (c) Quantifiable five-year and annual performance standards and  
9 metrics unless or until the department publishes performance  
10 standards under section 8 of this act. The producer responsibility  
11 organization must amend its plan to meet or exceed the performance  
12 standards published by the department;

13 (d) A description of how the producer responsibility organization  
14 will provide for a free and convenient drop-off or collection system  
15 for covered products consistent with section 9 of this act;

16 (e) A description of how the collection sites will be authorized  
17 and managed, including:

18 (i) How local jurisdictions and federally recognized Indian  
19 tribes can request to be a collection site under section 10 of this  
20 act;

21 (ii) How the producer responsibility organization will provide to  
22 collection sites at no cost the appropriate containers for covered  
23 products, training, signage, safety guidance, and educational  
24 materials;

25 (iii) The process by which the producer responsibility  
26 organization will provide for the transport of covered products at no  
27 cost from collection sites to an authorized sorter, or directly to an  
28 authorized repair business, nonprofit organization, or recycling  
29 facility;

30 (iv) How collection sites will be allowed to divert covered  
31 products to secondhand markets for reuse;

32 (v) A list of all proposed rules, conditions, and requirements  
33 for authorized collectors, authorized sorters, and authorized repair  
34 businesses, including a template proposed agreement for each of those  
35 types of entities, as applicable;

36 (vi) How the producer responsibility organization will prioritize  
37 the use of secondhand markets and nonprofit retail resellers of  
38 covered products, when establishing collection sites to meet the  
39 minimum requirements in section 9(2) of this act; and

1 (vii) How collection sites will be instructed to identify and  
2 reject counterfeit covered products.

3 (f) A description of how covered products will be sorted,  
4 transported, processed, reused, and recycled following collection at  
5 collection sites, consistent with section 9 of this act;

6 (g) A description of the comprehensive statewide education and  
7 outreach program designed to educate consumers and promote  
8 participation in the program offered by the producer responsibility  
9 organization, consistent with section 11 of this act. This  
10 description must include a description of the strategies, goals, and  
11 metric the producer responsibility organization will use to annually  
12 assess and evaluate the efficacy of the comprehensive statewide  
13 education and outreach program required by section 11 of this act;

14 (h) A description of how the producer responsibility organization  
15 will coordinate with other producer responsibility organizations to  
16 avoid confusion to the public regarding program activities including,  
17 but not limited to, education and outreach, including establishing  
18 point-of-sale messaging, a joint website, and toll-free telephone  
19 number for purposes of providing information on the program;

20 (i) Coordination with and compensation for, and description of  
21 the efforts and methods used to coordinate activities with and  
22 compensate for, entities who are responsive to a request from the  
23 producer responsibility organization, including other producer  
24 responsibility organizations, existing collection, reuse, and  
25 recycling programs, and community-based organizations, including  
26 nonprofit retail establishments that sell reused and repaired covered  
27 products, and that contact the producer responsibility organization  
28 and are qualified to run or support collection events;

29 (j) A description of how the plan will address the presence of  
30 perfluoroalkyl and polyfluoroalkyl chemicals and other chemicals  
31 identified or regulated under chapters 70A.350 and 70A.430 RCW,  
32 including but not limited to the actions and investments needed to  
33 avoid contamination in the recycling process and available end  
34 markets for recycled material that cannot be remanufactured into  
35 textiles or textile articles in Washington;

36 (k) A description of how the producer responsibility organization  
37 will minimize the negative environmental and human health impacts of  
38 all operations associated with the plan, including impacts from  
39 collected covered products exported outside of Washington; and

1 (1) A process by which the financial activities of the producer  
2 responsibility organization or individual producers that are related  
3 to implementation of the plan will be subject to an independent audit  
4 consistent with generally accepted accounting principles.

5 (3) Under the plan, a producer responsibility organization must:

6 (a) Develop a program to support laundries for laundering covered  
7 products that includes funding for technology that reduces water  
8 consumption and improves microfiber and microplastic filtration; and

9 (b) Develop strategies to address design challenges for covered  
10 products including, but not limited to, compostability, reduction and  
11 removal of harmful chemicals, microfiber and microplastic shedding,  
12 and mixed material blends.

13 (4) Plans approved by the department are public records for  
14 purposes of chapter 42.56 RCW, except that financial or sales data  
15 reported to the department is not a public record consistent with RCW  
16 42.56.270, and is not subject to inspection or copying under chapter  
17 42.56 RCW.

18 (5) (a) The plan submitted under this section must be accompanied  
19 by a contingency plan demonstrating how the activities in the plan  
20 will continue to be carried out by some other entity, if needed, such  
21 as a trustee:

22 (i) Until such time as a new plan is submitted and approved by  
23 the department;

24 (ii) Upon the expiration of an approved plan;

25 (iii) If the producer responsibility organization notifies the  
26 department that it will cease to implement an approved plan; or

27 (iv) In any other event that the producer responsibility  
28 organization can no longer carry out plan implementation.

29 (b) The contingency plan must guarantee that the contracts,  
30 financial data, and other necessary authority and assets to operate  
31 the program will vest in a trustee or other entity approved by the  
32 department. The trustee must operate the most recently approved plan,  
33 subject to the direction of the department, until such time as a new  
34 plan is approved. Upon plan expiration or revocation of the plan, the  
35 balance of the producer responsibility organization's operating  
36 reserves must be transferred to the control of the trustee within  
37 five calendar days. All documents, digital records, contracts, and  
38 files related to the operation of the plan must be transferred to the  
39 control of the trustee within five calendar days.

1        NEW SECTION.    **Sec. 7.**    (1)(a) By January 1, 2029, a producer  
2 responsibility organization must develop and submit to the department  
3 a complete plan, in a form and manner determined by the department,  
4 in accordance with the requirements of this chapter, for the  
5 collection, transportation, repair, sorting, recycling, and the safe  
6 and proper management of covered products in Washington.

7        (b) (i) The department must review each submitted plan for  
8 compliance with this chapter and must approve, disapprove, or  
9 conditionally approve the plan within 120 days of receipt.

10        (ii) If the department disapproves of a plan submitted by a  
11 producer responsibility organization, the department must explain how  
12 the plan does not comply with this chapter and provide written notice  
13 to the producer responsibility organization within 60 days of  
14 disapproval. The producer responsibility organization may resubmit to  
15 the department a revised plan within 30 days of the date the written  
16 notice was issued, and the department must review the revised plan  
17 within 60 days of resubmittal.

18        (iii) If the department disapproves a revised plan submitted by a  
19 producer responsibility organization, the department must explain how  
20 the plan does not comply with this chapter and provide written notice  
21 to the producer responsibility organization within 60 days of  
22 disapproval. The producer responsibility organization must then  
23 revise and resubmit the plan consistent with the department's  
24 direction within 30 days. A producer responsibility organization that  
25 does not revise and resubmit the plan within 30 days consistent with  
26 the department's direction is ineligible to submit further revisions  
27 and is not in compliance with the requirements of this chapter, and  
28 member producers are subject to penalties under this chapter.

29        (2) A producer responsibility organization comprised of more than  
30 one member producer may not limit its plan for covered products to  
31 the covered products of the producer participating in that plan.

32        (3) (a) By January 1, 2031, a producer responsibility organization  
33 must have a complete plan approved by the department and each  
34 producer must be subject to an approved plan in order to be in  
35 compliance with this chapter.

36        (b) By April 1, 2031, each producer responsibility organization  
37 must begin to implement its approved plan. By January 1, 2032, the  
38 producer responsibility organization must fully implement its  
39 approved plan.

1 (c) A producer responsibility organization with an approved plan  
2 must submit any proposed substantial change to the plan to the  
3 department for approval following the process in subsection (1) of  
4 this section.

5 (4)(a) A producer responsibility organization must review its  
6 plan at least every five years after approved by the department and  
7 determine whether revisions are necessary.

8 (b) If a producer responsibility organization determines that  
9 revisions to the plan are necessary, the producer responsibility  
10 organization must submit to the department a revised plan for review  
11 and approval consistent with subsections (1) through (3) of this  
12 section. The producer responsibility organization must submit the  
13 revised plan to the department under this subsection at least 12  
14 months prior to the review deadline identified in (a) of this  
15 subsection. The revised plan must include a cover letter that  
16 summarizes revisions to the plan within 90 days of the review  
17 deadline outlined under this subsection.

18 (c) If a producer responsibility organization determines that  
19 revisions to the plan are not necessary, the producer responsibility  
20 organization must send a letter to the department 12 months prior to  
21 the review deadline in (a) of this subsection, explaining that the  
22 producer responsibility organization has reviewed the plan and  
23 determined that revisions are not needed. The department may  
24 disapprove of the producer responsibility organization's  
25 determination within 30 days of receipt if the department concludes  
26 that the producer responsibility organization cannot implement the  
27 requirements of this chapter without revising the plan. If the  
28 department disapproves the producer responsibility organization's  
29 determination, the producer responsibility organization must submit  
30 to the department a revised plan for review and approval consistent  
31 with subsections (1) through (3) of this section. The producer  
32 responsibility organization must submit the revised plan under this  
33 subsection within 60 days of receipt of the department's disapproval,  
34 unless the department determines that additional time is needed.

35 NEW SECTION. **Sec. 8.** (1)(a) A producer of a covered product  
36 introduced for use in this state must achieve the quantifiable five-  
37 year and annual performance standards and metrics performance  
38 standards established in its plan.

1 (b) After March 1, 2033, a producer of a covered product  
2 introduced for use in this state must achieve the performance  
3 standards adopted by the department under subsection (2) of this  
4 section.

5 (2) After March 1, 2033, the department may establish, review,  
6 and adjust performance standards and the dates by which they are  
7 required to be achieved based on information included in plans and  
8 annual reports, other information provided by producer responsibility  
9 organizations, department waste characterization studies, needs  
10 assessments, and economic and any other relevant information, as  
11 determined by the department.

12 NEW SECTION. **Sec. 9.** (1)(a) A producer responsibility  
13 organization must approve collection sites under its program that  
14 agree to comply with all applicable state, federal, or municipal  
15 laws, regulations, and rules and conditions adopted by the producer  
16 responsibility organization.

17 (b) A producer responsibility organization must include as a  
18 collection site under its program any local jurisdiction or federally  
19 recognized Indian tribe that offers in writing to participate in the  
20 program and agrees to comply with any producer responsibility  
21 organization requirements that are consistent with its approved plan,  
22 even if the minimum thresholds described in subsection (2) of this  
23 section have been achieved. A producer responsibility organization  
24 must include the local jurisdiction or federally recognized Indian  
25 tribe as a collection site in the program within 90 days of receiving  
26 the written offer to participate. The producer responsibility  
27 organization is not required to respond to offers to participate  
28 until a plan has been approved by the department.

29 (c) A producer responsibility organization may suspend or  
30 terminate a collection site that does not comply with all applicable  
31 state, federal, or municipal laws and regulations or adhere to the  
32 rules and conditions imposed by the producer responsibility  
33 organization.

34 (d) A collection site must be operated and managed to ensure that  
35 covered products are collected safely and handled in accordance with  
36 all applicable state, federal, and municipal laws and regulations and  
37 the rules and conditions of the plan. A producer responsibility  
38 organization must allow authorized collectors and authorized sorters  
39 to divert reusable covered products for sale in secondhand markets,

1 in a manner consistent with rules established by the producer  
2 responsibility organization in an approved plan.

3 (e) A producer responsibility organization must require all  
4 contractors to pay at least the Washington minimum wage.

5 (2) A producer responsibility organization must provide for a  
6 free and convenient drop-off or collection system for covered  
7 products that may include temporary collection sites and mail-back  
8 options, and that must include permanent collection sites in each  
9 county that:

10 (a) Provides for a minimum of 10 permanent collection sites or  
11 one permanent collection site per 25,000 people, whichever is  
12 greater, except that:

13 (i) A county with a population of 18,000 and under, as reported  
14 annually by the office of financial management, must have a minimum  
15 of three collection locations;

16 (ii) A county with a population of between 18,001 and 50,000,  
17 inclusive, as reported annually by the office of financial  
18 management, must have a minimum of four collection locations; and

19 (iii) A county with a population of between 50,001 and 100,000,  
20 inclusive, as reported annually by the office of financial  
21 management, must have a minimum of eight collection locations;

22 (b) Provides for a reasonable geographic spread of permanent  
23 collection sites, as justified by a description in the plan.

24 (3) Following collection at a collection site, covered products  
25 must:

26 (a) Be handled and managed consistent with the waste management  
27 hierarchy established in RCW 70A.205.005(8), including prioritization  
28 of reuse, including repair, of collected covered products;

29 (b) Include incentive payments, grants, and market development  
30 investments to encourage reuse over recycling and other methods and  
31 to support the infrastructure necessary to implement the plan, which  
32 must include incentive payments, grants, and market development  
33 investments that prioritize infrastructure closer to the point of  
34 generation under (e) of this subsection and ensure that covered  
35 products are reused or recycled and have responsible and economically  
36 viable end markets;

37 (c) Be sorted by authorized sorters and the flow of covered  
38 products to and from authorized collectors, authorized sorters,  
39 authorized repair businesses, and recyclers must be tracked through  
40 final disposition;

1 (d) Be managed by the producer responsibility organization to  
2 maximize the reuse and recycling of all covered products, and to  
3 minimize disposal of covered products collected by the producer  
4 responsibility organization; and

5 (e) Be managed by the producer responsibility organization in a  
6 manner that prioritizes, to the extent feasible, the use and  
7 development of sorting, repair, and recycling facilities located  
8 closer to the point of collection to minimize transportation-related  
9 emissions and increase accountability for the ultimate disposition of  
10 covered products.

11 (4) The producer responsibility organization must conduct an  
12 annual assessment, using metrics described in its plan, to determine  
13 how collection, sorting, and transportation outcomes aligned with  
14 projections.

15 (5) Products designed by use for infants and children under 12  
16 years of age with components that pose a risk of detachment, thus  
17 creating choking hazards, or containing components subject to 16  
18 C.F.R. Part 1303 and 1307, including, but not limited to, metallic,  
19 vinyl, or plastic snaps, zippers, grommets, closures, or appliques,  
20 may be excluded from the reuse and repair under subsection (3)(a) of  
21 this section by a producer responsibility organization.

22 (6) Nothing in this chapter limits the authority of the utilities  
23 and transportation commission to regulate collection of solid waste,  
24 including curbside collection of residential recyclable materials, in  
25 accordance with chapter 81.77 RCW.

26 NEW SECTION. **Sec. 10.** (1) Each producer responsibility  
27 organization must pay all administrative and operational costs  
28 associated with establishing and implementing the program including,  
29 but not limited to, the cost of collection, transportation, sorting,  
30 repairing, recycling, and the safe and proper management of covered  
31 products.

32 (2)(a) A producer responsibility organization must establish a  
33 method for fully funding the producer responsibility organization in  
34 a manner that distributes the program's costs among participating  
35 producers. Upon plan approval, the funding mechanism approved in the  
36 plan must reflect:

37 (i) Sales volumes; and

38 (ii) A per-unit eco-modulated fee that reflects Washington sales  
39 volume, existing producer collection, repair, reuse, and recycling

1 programs that help achieve the purposes of this chapter, and the cost  
2 of reusing, repairing, recycling, or otherwise managing covered  
3 products under this chapter. The intent of the eco-modulated fee is  
4 to incentivize design choices that facilitate the achievement of  
5 goals outlined in the plan, including reuse, repair, and recycling  
6 through reduced fees, while using malus fees to disincentivize  
7 practices and materials incongruent with the plan. The producer  
8 responsibility organization must consider existing producer  
9 collection, repair, reuse, and recycling programs in developing the  
10 eco-modulated fee structure.

11 (b) The funding mechanism must demonstrate adequate funding for  
12 all administrative and operational costs of the program, to be borne  
13 by participating producers, and must distribute participating  
14 producers costs in consideration of the cost of managing their  
15 specific covered products under the approved plan.

16 (3) (a) A producer responsibility organization must propose in its  
17 plan a five-year budget that establishes a funding level sufficient  
18 to operate the producer responsibility organization in a prudent and  
19 responsible manner. The budget must demonstrate how estimated  
20 revenues will cover all budgeted costs for each cost category, and  
21 the plan must describe the types of activities related to each line  
22 item cost category.

23 (b) Budgeted costs categories must include, but are not limited  
24 to:

25 (i) Administrative costs, which include the department's actual  
26 and reasonable regulatory costs, which include full personnel costs  
27 to implement and enforce this chapter and actual regulatory  
28 development costs and other startup costs incurred prior to plan  
29 submittal and approval;

30 (ii) Education and outreach costs;

31 (iii) Operational costs;

32 (iv) Capital costs; and

33 (v) A reserve to operate the producer responsibility organization  
34 should there be unexpected events, such as losses of income, and  
35 large unbudgeted expenses in order to protect the recycling  
36 infrastructure the producer responsibility organization relies upon  
37 in its plan, during any lapse in producer participating during the  
38 life of the program. This cost category must include a reserve level  
39 amount that is justified by a description in the plan. The producer  
40 responsibility organization must maintain reserve funds sufficient to

1 operate the plan for no less than six months. If a new plan submitted  
2 by a producer responsibility organization is approved by the  
3 department, the producer responsibility organization must establish  
4 its reserve and maintain the required reserve fund balance by the end  
5 of the second year of plan operation.

6 (4) Retailers, producers, or producer responsibility  
7 organizations may not charge a specific point-of-sale fee to  
8 consumers to cover the administrative or operational costs of the  
9 producer responsibility organization or the program.

10 NEW SECTION.

11 **Sec. 11.**

12 (1) A producer responsibility organization must develop and implement a comprehensive statewide  
13 education and outreach program that, at minimum, includes:

14 (a) An education and communications strategy to effectively  
15 promote participation in the program and provide the information  
16 necessary for effective participation by consumers, retailers,  
17 distributors, wholesalers, local jurisdictions, federally recognized  
18 Indian tribes, and others;

19 (b) A joint internet website, in coordination with all other  
20 producer responsibility organizations registered with the department,  
21 that publicizes the location of collection sites and provides  
22 information to consumers on how to drop off covered products at the  
23 free and convenient network of collection sites offered by the  
24 producer responsibility organization, including any information  
25 reasonably necessary to safely and conveniently access the  
26 collection, repair, and recycling services offered by the producer  
27 responsibility organization;

28 (c) Signage that is prominently displayed and easily visible;

29 (d) Signage and materials that are required by the producer  
30 responsibility organization for collection sites, and a method for  
31 collection sites to access replacement materials at no cost to the  
32 collection site;

33 (e) A strategy to support participation by all Washington  
34 communities, including a strategy to communicate with consumers in  
35 languages other than English;

36 (f) Promotional materials and activities, or both, that explain  
37 the purpose of the producer responsibility organization and the means  
38 by which the program is being carried out;

39 (g) A strategy to encourage users to separate products that are  
not covered products from covered products, when appropriate, before

1 submitting the covered products to an authorized collection site or  
2 mail-back program;

3 (h) Materials designed to inform third-party sellers on online  
4 platforms of their duty to comply with this chapter and how to join  
5 the producer responsibility organization; and

6 (i) Information for the public on secondhand markets and the  
7 benefits of reuse, including repair.

8 (2) The statewide education and outreach program must:

9 (a) Promote the safe and proper management of covered products,  
10 including information on where customers can purchase repaired and  
11 reused covered products. This must include education and training for  
12 authorized collectors to incentivize domestic resale of usable  
13 covered products;

14 (b) Not promote the disposal of covered products in a manner  
15 inconsistent with the services offered by the plan; and

16 (c) Include information for consumers about how to avoid improper  
17 disposal of covered products.

18 NEW SECTION. **Sec. 12.** (1)(a) A producer responsibility  
19 organization must keep board minutes books, and records that clearly  
20 reflect the activities and transactions of the producer  
21 responsibility organization.

22 (b) A producer responsibility organization must include in its  
23 plan a process by which the financial activities of the organization  
24 or individual producers that are related to implementation of the  
25 plan will be subject to an independent audit consistent with  
26 generally accepted accounting principles.

27 (c) The failure of a producer responsibility organization or  
28 producer, or their respective agent who holds records, to produce  
29 documents or data requested by the department, required to be  
30 collected or generated to carry out operation of the plan in the form  
31 and manner determined by the department, as part of a department  
32 audit, or review of a third-party audit, constitutes a violation of  
33 this chapter.

34 (d) A producer responsibility organization must retain an  
35 independent public accountant, certified in the United States, to  
36 annually audit the accounting books of the producer responsibility  
37 organization. The department must review the independent certified  
38 public accountant audit for compliance with this chapter and  
39 consistency with the producer responsibility organization's plan and

1 annual report. After the department conducts its own audit, the  
2 department must notify the producer responsibility organization of  
3 any conduct or practice that does not comply with this chapter or of  
4 any inconsistencies identified in the audit. The producer  
5 responsibility organization may obtain copies of the department's  
6 audit, including proprietary information contained in the  
7 department's audit, upon request and may petition the department to  
8 withhold from disclosure confidential proprietary information under  
9 chapter 42.56 RCW. The items submitted to the department as part of  
10 the independent audit must include:

11 (i) Financial statements audited in accordance with generally  
12 accepted accounting principles;

13 (ii) An audit of the producer responsibility organization's  
14 compliance with this chapter; and

15 (iii) An audit of the producer responsibility organization's  
16 adherence to, execution of, and consistency with its plan.

17 (2) A producer responsibility organization must annually submit  
18 to the department, in the form and manner and by the date determined  
19 by the department, an annual report and make that report publicly  
20 available on the producer responsibility organization's website. The  
21 report must include, at minimum, all of the following information for  
22 the preceding calendar year unless otherwise specified:

23 (a) The independent audit required under subsection (1)(d) of  
24 this section;

25 (b) The producer responsibility organization's costs, according  
26 to the cost categories established in the plan, and revenues;

27 (c) A summary of any anticipated changes to allocations in cost  
28 categories for the next calendar year;

29 (d) Any changes to the distribution of a participating producer's  
30 costs;

31 (e) The amounts of the eco-modulated fees based on the criteria  
32 established under section 10(2) of this act and the producer  
33 responsibility organization's evaluation of the effectiveness of the  
34 eco-modulated fees;

35 (f) An updated list of producers participating in the plan and an  
36 updated list of the names and contact information, including email  
37 address, telephone number, and physical and mailing addresses of  
38 producer and brands of covered products covered under the plan;

39 (g) A list of the producer responsibility organization's  
40 collection sites by name, location, and type;

1 (h) (i) The amount of covered products sold in or into the state  
2 by the producers covered by the producer responsibility  
3 organization's plan;

4 (ii) The amount described in (h) (i) of this subsection must be  
5 broken down by fiber type category and harmonized tariff schedule of  
6 the United States (HTS) number;

7 (i) The total weight of covered products, respectively, that were  
8 collected, broken down by fiber type categories;

9 (j) The total weight of covered products, by category, that were  
10 collected and deemed reusable by each respective authorized collector  
11 and authorized sorter;

12 (k) A list of each authorized sorter, authorized repair business,  
13 and covered product recycling facility used by the producer  
14 responsibility organization, including name and location and the  
15 total weight of covered products handled by each location;

16 (l) The total weight and number of covered products sold in or  
17 into the state attributed to a producer, who is a registered  
18 participant of the producer responsibility organization's plan, which  
19 are collected in the state and reused or recycled by the producer  
20 responsibility organization, including a description of the  
21 methodology and information used to determine and calculate these  
22 values;

23 (m) A complete accounting of the ultimate disposition of all  
24 covered products collected by the producer responsibility  
25 organization, including the total weight of covered products that  
26 were repaired or recycled;

27 (n) Metrics and a description of the progress towards attaining  
28 the performance standards included in the plan;

29 (o) A description of the methods used to collect, transport,  
30 repair, and recycle covered products by the producer responsibility  
31 organization, including a description of:

32 (i) How the producer responsibility organization handled and  
33 managed covered products according to the waste hierarchy in RCW  
34 70A.205.005(8);

35 (ii) How the producer responsibility organization maximized reuse  
36 and recycling of all covered products;

37 (iii) How the producer responsibility organization minimized  
38 disposal of all covered products collected by the producer  
39 responsibility organization; and

1 (iv) Results of the producer responsibility organization's  
2 assessment of the efficacy of the collection, sorting, and  
3 transportation process;

4 (p) A description of how the producer responsibility organization  
5 provided incentive payments, grants, and market development  
6 investments to support the infrastructure necessary to effectively  
7 implement the plan, including how incentive payments, grants, and  
8 market development investments prioritized infrastructure closer to  
9 the point of generation;

10 (q) A description of outreach efforts and education including,  
11 but not limited to, the producer responsibility organization's  
12 evaluation of the efficacy of the comprehensive statewide education  
13 and outreach program in section 11 of this act;

14 (r) A description of how the producer responsibility organization  
15 coordinated with producer responsibility organizations;

16 (s) A report on activities the producer responsibility  
17 organization has undertaken to prioritize the use of sorting and  
18 recycling facilities located closer to the point of generation to  
19 minimize transportation emissions and increase accountability for the  
20 ultimate disposition of collected covered products;

21 (t) An analysis of whether producer responsibility organization  
22 met performance standards established by the producer responsibility  
23 organization or by the department under section 8 of this act;

24 (u) A description of how the producer responsibility organization  
25 addressed the presence of perfluoroalkyl and polyfluoroalkyl  
26 chemicals and other chemicals identified or regulated under chapters  
27 70A.350 and 70A.430 RCW, including but not limited to the actions  
28 taken and investments made to avoid contamination in the recycling  
29 process, and the availability of end markets for recycled material  
30 that could not be remanufactured into textiles or textile articles in  
31 Washington;

32 (v) Any other information deemed relevant by the producer  
33 responsibility organization for the department to determine  
34 compliance with the approved plan; and

35 (w) Other information required by rules adopted by the  
36 department.

37 (3) (a) No later than 120 days after the date the department  
38 receives the annual report submitted by a producer responsibility  
39 organization under subsection (2) of this section, the department

1 must notify the producer responsibility organization if the annual  
2 report is compliant or noncompliant.

3 (b) If the department determines that the annual report is  
4 noncompliant due to failure to meet the requirements of this chapter,  
5 the department may require the resubmittal of the annual report or  
6 take enforcement action.

7 NEW SECTION. **Sec. 13.** (1) Beginning January 1, 2027, each  
8 producer of apparel must annually disclose the following to the  
9 department:

10 (a) A notice consistent with RCW 70A.430.060 identifying each  
11 covered product that contains a high priority chemical identified  
12 under RCW 70A.430.040 or a priority chemical as defined in RCW  
13 70A.350.010 or that is the subject of a rule adopted under chapter  
14 70A.350 RCW;

15 (b) A description of any terms used in marketing, labels, or  
16 public-facing communications by the producer to describe elements of  
17 the environmental impact or sustainability of the producer's covered  
18 products including, but not limited to, terms such as "sustainable,"  
19 "green," "low impact," or "environmentally friendly," and how the  
20 producer defines or measures such terms;

21 (c) A description of how each producer sells, gifts, or otherwise  
22 disposes of unwanted excess covered products that are not sold to  
23 consumers through retail sales, and the volume of such unwanted  
24 excess covered products disposed of during the most recent calendar  
25 year; and

26 (d) A description of the producer's current activities,  
27 initiatives, or targets related to reducing the fashion producer's  
28 environmental impacts.

29 (2) In addition to the requirements of subsection (1) of this  
30 section, beginning January 1, 2027, each fashion producer that has an  
31 annual worldwide gross income of the business that exceeds  
32 \$100,000,000 must disclose the following to the department:

33 (a) The environmental due diligence policies, processes, and  
34 outcomes of the fashion producer, including:

35 (i) Significant real or potential adverse environmental impacts  
36 associated with the fashion producer;

37 (ii) The contents of any environmental sustainability reports  
38 related to the fashion producer's operations;

1 (iii) Measurements of the amount and type of recycled content in  
2 each covered product produced by the manufacturer; and

3 (iv) Measurements of the greenhouse gas emissions associated with  
4 the fashion producer's covered products, including the methodology  
5 associated with such measurements; and

6 (b) The working conditions of the fashion producer and direct  
7 suppliers of products for or inputs to the fashion producer.

8 (3) For purposes of this section, the following definitions shall  
9 apply unless the context clearly indicates otherwise:

10 (a) "Due diligence" means the process companies carry out to  
11 identify, prevent, mitigate, and account for how they address actual  
12 and potential adverse impacts in their own operations, their supply  
13 chain, and other business relationships, in the manner recommended in  
14 the organization for economic cooperation and development guidelines  
15 for multinational enterprises, the organization for economic  
16 cooperation and development due diligence guidance for responsible  
17 business conduct, and United Nations guiding principles of business  
18 and human rights, as those guidelines and guidance existed as of  
19 January 1, 2024.

20 (b) "Gross income of the business" means the value proceeding or  
21 accruing by reason of the transaction of the business engaged in and  
22 includes gross proceeds of sales, compensation for the rendition of  
23 services, gains realized from trading in stocks, bonds, or other  
24 evidences of indebtedness, interest, discount, rents, royalties,  
25 fees, commissions, dividends, and other emoluments however  
26 designated, all without any deduction on account of the cost of  
27 tangible property sold, the cost of materials used, labor costs,  
28 interest, discount, delivery costs, taxes, or any other expense  
29 whatsoever paid or accrued and without any deduction on account of  
30 losses.

31 (c) "Working conditions" means the:

32 (i) Average number of employees by employment type: Full time,  
33 part time, and temporary;

34 (ii) Average hourly wage, including all nondiscretionary wages  
35 and bonuses, by hourly wage bands: \$15 or below, \$15.01 to \$20,  
36 \$20.01 to \$25, \$25.01 to \$30, \$30.01 to \$50, and \$50.01 or greater;

37 (iii) Average total number of employees enrolled in medical plans  
38 provided by the employer;

39 (iv) Average total number of employees enrolled in dental plans  
40 provided by the employer;

1 (v) Average total number of employees enrolled in retirement  
2 plans provided by the employer; and

3 (vi) Total case incident rate for the prior calendar year.

4 (d) For the purpose of this subsection, "average" means the mean  
5 value:

6 (i) For the two previous years; or

7 (ii) If the business has been operational for less than two  
8 years, since the business has been operational.

9 NEW SECTION. **Sec. 14.** (1)(a) The department must implement,  
10 administer, and enforce this chapter. By December 31, 2027, the  
11 department shall adopt rules as necessary to implement, administer,  
12 and enforce this chapter.

13 (b) To the extent feasible, registration, recordkeeping,  
14 reporting, and other logistical requirements adopted by the  
15 department under this chapter must be harmonized with similar  
16 requirements applicable to producers in other jurisdictions.

17 (c) The rules adopted by the department must encourage recycling  
18 that minimizes generation of hazardous waste, generation of  
19 greenhouse gases, environmental impacts, environmental justice  
20 impacts, and public health impacts.

21 (2)(a) By October 1, 2026, the department must notify each  
22 registered producer responsibility organization of its estimated  
23 regulatory costs to implement the program, including full personnel  
24 costs, related to implementing and enforcing this chapter and the  
25 actual reasonable costs associated with adopting rules and other  
26 startup activities prior to plan submittal and approval.

27 (b) The producer responsibility organization must, on a schedule  
28 determined by the department, pay the department fees to cover the  
29 department's incurred costs. The fees must not exceed the  
30 department's actual and reasonable regulatory costs to implement and  
31 enforce this chapter.

32 (c) The department must deposit all moneys received from a  
33 producer responsibility organization under this subsection in the  
34 textile extended producer responsibility account created in section  
35 18 of this act.

36 (3) The department may audit the producer responsibility  
37 organization or an individual producer annually with respect to the  
38 requirements of this chapter.

1 (4) (a) Within 12 months of the effective date of the rules  
2 adopted under this chapter, and on or before July 1st of each year  
3 thereafter, the department must post on its internet website a list  
4 of producers that are in compliance with this chapter. The department  
5 must list, as appropriate, the reported brands of covered products  
6 for each producer.

7 (b) A producer that is not listed on the department's internet  
8 website under (a) of this subsection that demonstrates compliance  
9 with this chapter before the next list is posted by the department  
10 may either be added to the internet website or provided a  
11 certification letter from the department stating that the producer of  
12 a covered product is in compliance with this chapter. The  
13 department's list of compliant entities must be available on the  
14 department's website in a machine-readable format.

15 (c) If the department determines that a producer is not in  
16 compliance with this chapter, the department must remove the  
17 producer, along with its brands and covered products, from the list  
18 of compliant producers posted on the department's website. The  
19 department must list on its internet website a producer, along with  
20 its brands and covered products, if the department subsequently  
21 determines that the producer is in compliance with this chapter.

22 NEW SECTION.

**Sec. 15.**

(1) (a) The department may  
23 administratively impose a civil penalty of up to \$1,000 per violation  
24 per day on any producer who violates this chapter and up to \$10,000  
25 per violation per day for the second and each subsequent violation.

(b) For a producer out of compliance with the requirements of  
27 this chapter, the department shall provide written notification and  
28 offer information. For the purposes of this section, written  
29 notification serves as notice of the violation. The department must  
30 issue at least one notice of violation by certified mail prior to  
31 assessing a penalty and the department may only impose a penalty on a  
32 producer that has not met the requirements of this chapter 60 days  
33 following the date the written notification of the violation was  
34 sent.

(2) (a) The department may administratively impose a civil penalty  
36 of up to \$10,000 per violation per day on any producer responsibility  
37 organization that violates this chapter and up to \$50,000 per  
38 violation per day for the second and each subsequent violation.

1 (b) The department may, in addition to assessing the penalties  
2 provided in (a) of this subsection, take any combination of the  
3 following actions:

4 (i) Issue a corrective action order to a producer responsibility  
5 organization;

6 (ii) Issue an order to a producer responsibility organization to  
7 provide for the continued implementation of the program in the  
8 absence of an approved plan;

9 (iii) Revoke the producer responsibility organization's plan  
10 approval and require implementation of the contingency plan; or

11 (iv) Require a producer responsibility organization to revise or  
12 resubmit a plan within a specified time frame.

13 (c) Prior to taking an action described in this subsection, the  
14 department must provide the producer responsibility organization an  
15 opportunity to respond to or rebut the written finding upon which the  
16 action is predicated.

17 (3) (a) The department may require a producer, producer  
18 responsibility organization, manufacturer, distributor, retailer, or  
19 importer to:

20 (i) Provide the department with reasonable and timely access, as  
21 determined by the department, to its facilities and operations, as  
22 necessary to determine compliance with this chapter; or

23 (ii) Require additional reporting to determine compliance with  
24 this chapter.

25 (b) Records required by this chapter must be maintained and  
26 accessible for five years. All reports and records provided to the  
27 department under this chapter must be provided under penalty of  
28 perjury.

29 (4) A person may not sell or distribute in or into the state a  
30 covered product of a producer that is not participating in a producer  
31 responsibility organization or that is not in compliance with the  
32 requirements of this chapter or rules adopted under this chapter.

33 (a) The department shall serve, or send with delivery  
34 confirmation, a written warning explaining the violation to a person  
35 distributing or selling covered products of a producer that is not in  
36 compliance with this chapter.

37 (b) The department may assess a penalty on a person that  
38 continues to sell or distribute covered products of a producer that  
39 is in violation of this chapter 60 days after receipt of the written  
40 warning under this subsection. The amount of the penalty that the

1 department may assess under this subsection is twice the value of the  
2 covered products sold in violation of this chapter or \$500, whichever  
3 is greater. The department must waive the penalty upon verification  
4 that the person has discontinued distribution or sales of the covered  
5 product within 30 days of the date the penalty is assessed.

6 (5) Any person who incurs a penalty or receives an order may  
7 appeal the penalty or order to the pollution control hearings board  
8 created in chapter 43.21B RCW.

9 (6) Penalties levied under this section must be deposited in the  
10 model toxics control operating account created in RCW 70A.305.180.

11 NEW SECTION. **Sec. 16.** (1) Retailers, importers, distributors,  
12 and online marketplaces for covered products must monitor the  
13 department's internet website where compliant producers are posted  
14 under section 14(4) of this act, to determine if a producer, brand,  
15 or covered product is in compliance with this chapter for that  
16 producer of covered products.

17 (2) (a) Except as provided in (b) of this subsection, on and after  
18 the date a plan is approved by the department, a retailer, importer,  
19 distributor, or online marketplace is prohibited from introducing a  
20 covered product for use in the state unless the producer of the  
21 covered product is listed as in compliance for that brand and covered  
22 product.

23 (b) A retailer, importer, distributor, or online marketplace may  
24 introduce a covered product:

25 (i) If the retailer, importer, distributor, or online marketplace  
26 has fulfilled the obligations for those covered products which the  
27 retailer, importer, distributor, or online marketplace sells, offers  
28 for sale, imports, or distributes;

29 (ii) If, on the date the retailer or distributor sells or offers  
30 for sale the covered product in or into the state, the producer,  
31 brand, or covered product was listed as compliant on the department's  
32 internet website; and

33 (iii) Any existing stock of a retailer or distributor before the  
34 initial list was posted by the department on the department's  
35 internet website.

36 (3) An online marketplace must annually do the following  
37 consistent with rules adopted by the department:

38 (a) Notify the department and the producer responsibility  
39 organization of all third-party sellers with sales of covered

1 products over \$1,000,000 sold on their online marketplace in the  
2 preceding year and provide all required information. If a third-party  
3 seller does not have any sales in Washington during the preceding  
4 year, then the online marketplace must not provide their information  
5 to the department. The amount of the sales described in this  
6 subsection includes only those transactions through the online  
7 marketplace for which payment is processed by the online marketplace  
8 directly or through its payment processor;

9 (b) Provide all third-party sellers described in (a) of this  
10 subsection with the information requirements of law as provided by  
11 the producer responsibility organization consistent with the  
12 requirements of section 11 of this act.

13 NEW SECTION. **Sec. 17.** A producer responsibility organization  
14 may not use funds collected for purposes of implementing a plan  
15 required under this chapter associated with:

- 16 (1) The payment of an administrative penalty levied;
- 17 (2) Administrative appeals of orders or penalties;
- 18 (3) Litigation between the refrigerant stewardship organization  
19 and the state;
- 20 (4) Compensation of a person whose position is primarily  
21 representing the refrigerant stewardship organization relative to the  
22 passage, defeat, approval, or modification of legislation that is  
23 being considered by a governmental entity; or
- 24 (5) Paid advertisements related to encouraging the passage,  
25 defeat, approval, or modification of legislation that is being  
26 considered during an upcoming or current legislative session or was  
27 considered during the previous legislative session.

28 NEW SECTION. **Sec. 18.** The textile extended producer  
29 responsibility account is created in the custody of the state  
30 treasurer. All receipts received by the department under this chapter  
31 must be deposited in the account. Only the director of the department  
32 or the director's designee may authorize expenditures from the  
33 account. The account is subject to the allotment procedures under  
34 chapter 43.88 RCW, but an appropriation is not required for  
35 expenditures. Expenditures from the account may be used by the  
36 department only for implementing, administering, and enforcing the  
37 requirements of this chapter.

1       **Sec. 19.** RCW 43.21B.110 and 2024 c 347 s 5, 2024 c 340 s 4, and  
2 2024 c 339 s 16 are each reenacted and amended to read as follows:

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

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

19       (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,  
20 18.104.130, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.15.4530,  
21 70A.15.6010, 70A.205.280, 70A.214.140, 70A.300.120, 70A.350.070,  
22 70A.245.020, 70A.65.200, 70A.505.100, 70A.555.110, 70A.560.020,  
23 70A.565.030, section 15 of this act, 86.16.020, 88.46.070, 90.03.665,  
24 90.14.130, 90.46.250, 90.48.120, 90.48.240, 90.56.330, and 90.64.040.

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

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

1 (e) Decisions of local health departments regarding the issuance  
2 and enforcement of permits to use or dispose of biosolids under RCW  
3 70A.226.090.

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

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

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

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

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

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

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

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

34 (n) Decisions of the department of ecology that are appealable  
35 under RCW 70A.245.020 to set recycled minimum postconsumer content  
36 for covered products or to temporarily exclude types of covered  
37 products in plastic containers from minimum postconsumer recycled  
38 content requirements.

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

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

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

7 (b) Hearings conducted by the department pursuant to RCW  
8 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100,  
9 70A.15.3110, and 90.44.180.

10 (c) Appeals of decisions by the department under RCW 90.03.110  
11 and 90.44.220.

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

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

17 **Sec. 20.** RCW 43.21B.300 and 2024 c 347 s 6 and 2024 c 340 s 5  
18 are each reenacted and amended to read as follows:

19 (1) Any civil penalty provided in RCW 18.104.155, 70A.15.3160,  
20 70A.205.280, 70A.230.080, 70A.300.090, 70A.20.050, 70A.245.040,  
21 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140,  
22 70A.65.200, 70A.430.070, 70A.455.090, 70A.500.260, 70A.505.110,  
23 70A.555.110, 70A.560.020, 70A.565.030, section 15 of this act,  
24 86.16.081, 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310,  
25 90.56.330, and 90.64.102 and chapter 70A.355 RCW shall be imposed by  
26 a notice in writing, either by certified mail with return receipt  
27 requested or by personal service, to the person incurring the penalty  
28 from the department or the local air authority, describing the  
29 violation with reasonable particularity. For penalties issued by  
30 local air authorities, within 30 days after the notice is received,  
31 the person incurring the penalty may apply in writing to the  
32 authority for the remission or mitigation of the penalty. Upon  
33 receipt of the application, the authority may remit or mitigate the  
34 penalty upon whatever terms the authority in its discretion deems  
35 proper. The authority may ascertain the facts regarding all such  
36 applications in such reasonable manner and under such rules as it may  
37 deem proper and shall remit or mitigate the penalty only upon a  
38 demonstration of extraordinary circumstances such as the presence of

1 information or factors not considered in setting the original  
2 penalty.

3 (2) Any penalty imposed under this section may be appealed to the  
4 pollution control hearings board in accordance with this chapter if  
5 the appeal is filed with the hearings board and served on the  
6 department or authority 30 days after the date of receipt by the  
7 person penalized of the notice imposing the penalty or 30 days after  
8 the date of receipt of the notice of disposition by a local air  
9 authority of the application for relief from penalty.

10 (3) A penalty shall become due and payable on the later of:

11 (a) 30 days after receipt of the notice imposing the penalty;

12 (b) 30 days after receipt of the notice of disposition by a local  
13 air authority on application for relief from penalty, if such an  
14 application is made; or

15 (c) 30 days after receipt of the notice of decision of the  
16 hearings board if the penalty is appealed.

17 (4) If the amount of any penalty is not paid to the department  
18 within 30 days after it becomes due and payable, the attorney  
19 general, upon request of the department, shall bring an action in the  
20 name of the state of Washington in the superior court of Thurston  
21 county, or of any county in which the violator does business, to  
22 recover the penalty. If the amount of the penalty is not paid to the  
23 authority within 30 days after it becomes due and payable, the  
24 authority may bring an action to recover the penalty in the superior  
25 court of the county of the authority's main office or of any county  
26 in which the violator does business. In these actions, the procedures  
27 and rules of evidence shall be the same as in an ordinary civil  
28 action.

29 (5) All penalties recovered shall be paid into the state treasury  
30 and credited to the general fund except the following:

31 (a) Penalties imposed pursuant to RCW 18.104.155 must be credited  
32 to the reclamation account as provided in RCW 18.104.155(7);

33 (b) Penalties imposed pursuant to RCW 70A.15.3160 must be  
34 disposed of pursuant to RCW 70A.15.3160;

35 (c) Penalties imposed pursuant to RCW 70A.230.080, 70A.300.090,  
36 70A.430.070, 70A.555.110, 70A.560.020, and 70A.565.030 must be  
37 credited to the model toxics control operating account created in RCW  
38 70A.305.180;

1 (d) Penalties imposed pursuant to RCW 70A.245.040 and 70A.245.050  
2 must be credited to the recycling enhancement account created in RCW  
3 70A.245.100;

4 (e) Penalties imposed pursuant to RCW 70A.500.260 must be  
5 deposited into the electronic products recycling account created in  
6 RCW 70A.500.130;

7 (f) Penalties imposed pursuant to RCW 70A.65.200 must be credited  
8 to the climate investment account created in RCW 70A.65.250;

9 (g) Penalties imposed pursuant to RCW 90.56.330 must be credited  
10 to the coastal protection fund established in RCW 90.48.390; and

11 (h) Penalties imposed pursuant to RCW 70A.355.070 must be  
12 credited to the underground storage tank account created in RCW  
13 70A.355.090.

14 NEW SECTION. **Sec. 21.** Sections 1 through 18 of this act  
15 constitute a new chapter in Title 70A RCW.

16 NEW SECTION. **Sec. 22.** If any provision of this act or its  
17 application to any person or circumstance is held invalid, the  
18 remainder of the act or the application of the provision to other  
19 persons or circumstances is not affected.

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