
SECOND SUBSTITUTE HOUSE BILL 1420

State of Washington

69th Legislature

2026 Regular Session

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

READ FIRST TIME 02/03/26.

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; prescribing penalties; and
4 providing an expiration date.

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

6 NEW SECTION. **Sec. 1.** INTENT. The intent of this chapter is to
7 establish a better understanding of current and needed systems for
8 managing textiles and apparel, with a goal of providing information
9 that may be useful to the potential future adoption of a statewide
10 extended producer responsibility program for apparel and textile
11 articles that emphasizes repair and reuse, and minimizes hazardous
12 waste, greenhouse gases, environmental impacts, negative
13 environmental justice impacts, and negative public health impacts. It
14 is not the intent of the legislature that the definitions, processes,
15 or needs assessment carried out under this act be determinative of
16 decisions by a future legislature regarding how to structure or
17 right-size a potential future extended producer responsibility
18 program.

1 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
2 section apply throughout this chapter unless the context clearly
3 requires otherwise.

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

6 (b) "Apparel" includes, but is not limited to, undergarments,
7 shirts, pants, skirts, dresses, overalls, bodysuits, costumes, vests,
8 dancewear, suits, saris, scarves, tops, leggings, school uniforms,
9 leisurewear, athletic wear, sports uniforms, swimwear, formal wear,
10 onesies, bibs, footwear, handbags, backpacks, knitted and woven
11 accessories, jackets, coats, snow pants, ski pants, uniforms, and
12 workwear.

13 (c) "Apparel" does not include the following:

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

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

18 (iii) Disposable or reusable products designed to collect and
19 absorb urine and feces, or disposable or reusable products regulated
20 by the United States food and drug administration that are designed
21 to collect and absorb menstruation or vaginal discharge.

22 (2) "Authorized collector" means a person or entity that has
23 entered into an agreement with a textile and apparel coordinating
24 organization to collect covered products.

25 (3) "Authorized sorter" means a person or entity that has entered
26 into an agreement with a textile and apparel coordinating
27 organization to sort covered products collected by authorized
28 collectors.

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

33 (5) "Collection site" means a permanent or temporary location
34 operated by an authorized collector at which covered products are
35 collected and prepared for transport in accordance with the
36 requirements of this chapter.

37 (6) "Consumer" means an owner of a covered product, including a
38 person, business, corporation, limited partnership, nonprofit
39 organization, or governmental entity, and includes the ultimate
40 purchaser, owner, renter, or lessee of a covered product who is not,

1 as to that covered product, the distributor, importer, producer,
2 recycler, retailer, or textile and apparel coordinating organization.

3 (7) (a) "Covered product" means an apparel or textile article
4 introduced into the state.

5 (b) "Covered product" does not include a secondhand or reused
6 covered product.

7 (8) "Department" means the department of ecology.

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

11 (10) "Government entity" has the same meaning as in RCW
12 70A.208.020.

13 (11) "Importer" means either:

14 (a) A person qualifying as an importer of record for purposes of
15 19 U.S.C. Sec. 1484(a)(2)(B), as it existed as of January 1, 2025,
16 with regard to the import of a covered product that is sold,
17 distributed for sale, or offered for sale in or into the state that
18 was manufactured or assembled by a company outside of the United
19 States; or

20 (b) A person importing into the state for sale, distributing for
21 sale, or offering for sale in the state a covered product for use in
22 the state that was manufactured or assembled by a company physically
23 located outside of the state.

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

26 (13) "Online marketplace" means a consumer-directed,
27 electronically accessed platform for which all of the following are
28 true:

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

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

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

37 (14) (a) "Producer" means:

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

1 (ii) If there is no person in Washington who is the producer for
2 purposes of (a)(i) of this subsection, the producer of the covered
3 product is the owner of a brand or trademark or, if the owner is not
4 in the state, the exclusive licensee of a brand or trademark under
5 which the covered product is sold, imported for sale, offered for
6 sale, or distributed for sale in or into the state, regardless of
7 whether the trademark is registered. For purposes of this subsection,
8 an exclusive licensee is a person holding the exclusive right to use
9 a trademark or brand in the state in connection with the manufacture,
10 sale, or distribution for sale in or into the state of the covered
11 product;

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

16 (iv) If there is no other person in the state who is the producer
17 for purposes of (a)(i), (ii), or (iii) of this subsection, the
18 producer of the covered product is the distributor, retailer, or
19 wholesaler who introduces the product in or into the state; or

20 (v) A person is the producer of a covered material introduced in
21 or into this state, as defined in (a)(i) through (iv) of this
22 subsection, except where another person has mutually signed an
23 agreement with a producer as defined in (a)(i) through (iv) of this
24 subsection that contractually assigns responsibility to the person as
25 the producer, and the person has joined a registered textile and
26 apparel coordinating organization as the responsible producer for
27 that covered material under this chapter. If another person is
28 assigned responsibility as the producer under this subsection, the
29 producer under (a)(i) through (v) of this subsection must provide
30 written certification of that contractual agreement to the textile
31 and apparel coordinating organization;

32 (b) For purposes of this chapter, the sale of a covered product
33 must be deemed to occur in the state if the covered product is
34 delivered to the consumer in the state;

35 (c) "Producer" does not include:

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

37 (ii)(A) A seller with less than \$1,000,000 in annual aggregate
38 global turnover as annually adjusted for inflation. The department
39 must use the consumer price index for urban wage earners to calculate

1 the annual rate of inflation adjustment effective January 1st of each
2 year.

3 (B) The aggregate global turnover of a producer must be
4 calculated by adding together the respective turnovers of all of the
5 following:

6 (I) The producer concerned;

7 (II) Those entities in which the producer is concerned directly
8 or indirectly, through ownership of more than one-half of the capital
9 or business assets, through the power to exercise more than one-half
10 of the voting rights, through the power to appoint more than one-half
11 of the members of the supervisory board, the administrative board, or
12 bodies legally representing the undertakings, or through the right to
13 manage the entities' affairs;

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

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

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

22 (15) "Producer responsibility organization" means:

23 (a) A nonprofit organization that qualifies for a tax exemption
24 under 26 U.S.C. Sec. 501(c) (3) of the federal internal revenue code
25 and is designated by a producer or group of producers to implement an
26 extended producer responsibility program established by a future
27 legislature for apparel and textiles; or

28 (b) A producer that registers with the department as a producer
29 responsibility organization and implements an extended producer
30 responsibility program addressing the apparel and textiles of the
31 producer.

32 (16) "Repair" means any alteration or improvement of damaged
33 covered product including, but not limited to:

34 (a) Redesigning and repurposing;

35 (b) Mending rips, holes, seams, or hems or other tailoring;

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

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

39 (e) Dyeing, redyeing, overdyeing, or printing of images on
40 covered products; or

1 (f) Preparation for reuse, rental, and resale.

2 (17) "Responsible market" means an entity that:

3 (a) Prepares for reuse, resale, rental or repurpose, or first
4 produces and sells, transfers, or uses recycled, reused, or repaired
5 product or recycled content feedstock that meets the quality
6 standards necessary to be used in the creation of new or
7 reconstituted products;

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

11 (c) If the market operates in the state, manages waste according
12 to the state's solid waste management hierarchy established in RCW
13 70A.205.005(8); and

14 (d) Meets the minimum operational standards adopted under a
15 textile and apparel coordinating organization plan to protect the
16 environment, public health, worker health and safety, and minimize
17 adverse impacts to socially vulnerable populations.

18 (18) "Responsible producer" means a producer that is not excluded
19 under subsection (14)(c) of this section.

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

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

26 (21) "Secondhand covered product" means any covered product that
27 has previously been owned.

28 (22) "Secondhand markets" means a retailer who sells or rents
29 secondhand covered products including, but not limited to, thrift
30 stores, collection site operators, online resale platforms,
31 consignment shops, and flea markets.

32 (23) "Socially vulnerable population" includes:

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

39 (b) Any person who has an income below the minimum necessary for
40 a household based on family composition in a given geography to

1 adequately meet their basic needs without public or private
2 assistance, as measured by the University of Washington's center for
3 women's welfare, for the most recent year such data are available.

4 (24) (a) "Textile" or "textile article" means an item customarily
5 used in households or businesses that are made entirely or primarily
6 from a natural, artificial, or synthetic fiber, yarn, or fabric. For
7 purposes of this chapter, "textile article" includes, but is not
8 limited to, blankets, curtains, fabric window coverings, accessories,
9 towels, tapestries, bedding, tablecloths, napkins, linens, signage,
10 and pillows.

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

14 (25) "Textile and apparel coordinating organization" means:

15 (a) A nonprofit organization that qualifies for a tax exemption
16 under 26 U.S.C. Sec. 501(c)(3) of the federal internal revenue code
17 and is designated by a producer or group of producers to fulfill the
18 requirements of this chapter; or

19 (b) A producer that registers with the department as a textile
20 and apparel coordinating organization addressing the covered products
21 of the producer.

22 (26) "Third-party seller" means a person or entity, independent
23 of an online marketplace, who sells or rents, offers to sell or rent,
24 or contracts with an online marketplace to sell or rent a consumer
25 product in the state by or through an online marketplace.

26 NEW SECTION. **Sec. 3.** TEXTILE AND APPAREL COORDINATING
27 ORGANIZATION REGISTRATION. (1)(a) By January 31, 2027, each producer
28 of a covered product must appoint a textile and apparel coordinating
29 organization or organizations to address its covered products.

30 (b) By March 1, 2027, each textile and apparel coordinating
31 organization must register with the department on behalf of its
32 producers and upon request submit data to the department for the
33 purpose of setting equitable fees.

34 (c) The registration of a textile and apparel coordinating
35 organization must describe how the textile and apparel coordinating
36 organization meets the registration requirements of this section. If
37 registration applications for more than one textile and apparel
38 coordinating organization, other than individual producers
39 registering as textile and apparel coordinating organizations, are

1 submitted to the department, the department must determine and
2 register the proposed textile and apparel coordinating organization
3 that can most effectively implement this chapter. The department may
4 not allow registration of more than one textile and apparel
5 coordinating organization, other than an individual producer
6 registered as a textile and apparel coordinating organization, for
7 purposes of needs assessment and registration required under this
8 chapter. It is the intent of the legislature to limit the
9 registration of textile and apparel coordinating organizations, other
10 than an individual producer registered as a producer responsibility
11 organization, for purposes of completing the needs assessment
12 required in section 5 of this act.

13 (d) By June 1, 2027, each producer must be a member of a
14 registered textile and apparel coordinating organization.

15 (2) The department must, by March 15, 2027, approve a textile and
16 apparel coordinating organization that meets the requirements of this
17 chapter and:

18 (a) Has a governing board consisting of producers that are
19 diverse in size and type and that represent the diversity of covered
20 products placed in the market by those entities. The governing board
21 must include ex officio members involved in the collection, sorting,
22 repair, reuse, recycling, or management of covered products; and

23 (b) Demonstrates that it has adequate financial responsibility
24 and financial controls in place, including fraud prevention measures
25 and an audit schedule, to ensure proper management of funds.

26 (3) The requirements of subsection (2)(a) and (b) of this section
27 do not apply to individual producers registering with the department
28 as a textile and apparel coordinating organization. The department
29 may require an individual producer registering with the department as
30 a textile and apparel coordinating organization to submit data to the
31 department and pay equitable fees to the department under this
32 chapter associated with the registration of the individual producer
33 as a textile and apparel coordinating organization.

34 (4) Each producer covered under a textile and apparel
35 coordinating organization must register with that textile and apparel
36 coordinating organization in accordance with the procedures and
37 requirements established by that textile and apparel coordinating
38 organization and must comply with those procedures and requirements.

39 (5) A producer is not in compliance with this chapter and is
40 subject to penalties under section 8 of this act if, by June 1, 2027,

1 the producer is not a member of a textile and apparel coordinating
2 organization registered with the department.

3 (6) On June 15, 2027, each textile and apparel coordinating
4 organization must provide the department, in a form and manner
5 established by the department, a list of brands of covered products
6 that each producer sells, distributes for sale, imports for sale, or
7 offers for sale in or into the state.

8 NEW SECTION. **Sec. 4.** TEXTILE AND APPAREL COORDINATING
9 ORGANIZATION RESPONSIBILITIES. (1) Each textile and apparel
10 coordinating organization whose registration has been approved by the
11 department under section 3 of this act must collaboratively prepare
12 and cover the costs of the needs assessments described in section 5
13 of this act.

14 (2) Each producer and textile and apparel coordinating
15 organization must comply with the requirements of this chapter. The
16 textile and apparel coordinating organization must notify the
17 department within 30 calendar days of any of the following:

18 (a) The end of any three-month period in which the textile and
19 apparel coordinating organization unsuccessfully attempted to obtain
20 a fee, records, or other information from a participant producer, or
21 received incomplete or incorrect records or information;

22 (b) The date a producer no longer participates in a producer
23 responsibility organization; or

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

25 (3) The activities authorized by this chapter require
26 collaboration among producers. The benefits of collaboration,
27 together with active state supervision, outweigh potential adverse
28 impacts. Therefore, the legislature exempts from state antitrust
29 laws, and provides immunity through the state action doctrine from
30 federal antitrust laws, activities that are undertaken in compliance
31 with and pursuant to this chapter, including activities that are
32 reviewed or approved by the department that might otherwise be
33 constrained by such laws. The legislature does not intend and does
34 not authorize any person or entity to engage in activities not
35 provided for by this chapter, and the legislature neither exempts nor
36 provides immunity for such activities.

37 NEW SECTION. **Sec. 5.** NEEDS ASSESSMENT. (1)(a) A statewide needs
38 assessment carried out by a textile and apparel coordinating

1 organization under this section, in consultation with the department,
2 must be designed to determine the necessary steps and investment
3 needed for the successful implementation of an extended producer
4 responsibility program for covered products that emphasizes repair
5 and reuse, and minimizes hazardous waste, greenhouse gases,
6 environmental impacts, negative environmental justice impacts, and
7 negative public health impacts.

8 (b) Each textile and apparel coordinating organization must
9 submit a needs assessment or needs assessments to the department by
10 March 1, 2028. If granted approval to do so by the department, a
11 textile and apparel coordinating organization may prepare more than
12 one needs assessment, with each assessment specific to one or more
13 covered products under this chapter, or may prepare one comprehensive
14 needs assessment that includes all covered products of the producers
15 that are members of the textile and apparel coordinating organization
16 or all covered products under this chapter.

17 (c) The department must support and provide technical input on
18 the development of each needs assessment. The department must review
19 and approve, conditionally approve, or disapprove each needs
20 assessment as meeting the requirements of this section within 90 days
21 of submission. If the department disapproves of a needs assessment,
22 the textile and apparel coordinating organization must resubmit the
23 needs assessment within a time frame of not less than 60 days
24 specified by the department in its notice of disapproval. A textile
25 and apparel coordinating organization that has not received approval
26 or conditional approval from the department on a resubmitted needs
27 assessment prior to a deadline established by the department is
28 subject to penalties as provided in section 8 of this act.

29 (d) A textile and apparel coordinating organization may select an
30 independent third-party contractor to complete a needs assessment.

31 (e) To the extent practicable, the needs assessment carried out
32 under this section may be developed in conjunction with, or use
33 information from, similar evaluative processes related to textile and
34 apparel extended producer responsibility laws in other jurisdictions.

35 (2) The needs assessments must presume that the program that
36 would be implemented after a needs assessment would:

37 (a) Establish a free, equitable, and convenient drop-off or
38 collection system that meets convenience standards for the collection
39 of covered products and related performance standards and metrics.
40 This would provide for a reasonable and equitable geographic spread

1 of permanent collection sites and include, at minimum, permanent
2 collection sites in each county that:

3 (i) Provide for a minimum of 10 permanent collection sites or one
4 permanent collection site per 25,000 people, whichever is greater,
5 except that:

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

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

12 (C) A county with a population of between 50,001 and 100,000,
13 inclusive, as reported annually by the office of financial
14 management, must have a minimum of eight collection locations; and

15 (ii) Include as a collection site under its program any
16 government entity that offers in writing to participate in the
17 program and agrees to comply with any producer responsibility
18 organization criteria that are consistent with its approved plan,
19 even if the minimum thresholds described in this subsection (2) have
20 been achieved;

21 (b)(i) Include a process by which the producer responsibility
22 organization will provide, at no cost, for the transport of covered
23 products from collection sites to an authorized sorter or directly to
24 an authorized repair, reuse, repurposing, upcycling, or resale
25 organization, or recycling facility;

26 (ii) Allow authorized collectors and authorized sorters to divert
27 reusable covered products for sale in secondhand markets,
28 repurposing, reusing, repairing, or upcycling;

29 (iii) Include incentive payments, grants, and market development
30 investments, including to nonprofit retail resellers of covered
31 products, to encourage reuse over recycling and other methods and to
32 support the infrastructure necessary to implement a program and
33 ensure that covered products are repaired, reused, repurposed,
34 upcycled, or recycled and have responsible markets;

35 (iv) Maximize the reuse, repair, repurposing, upcycling, and
36 recycling of all covered products, and minimize disposal of covered
37 products collected by the producer responsibility organization; and

38 (v) Prioritize, to the extent feasible, the use and development
39 of sorting, repair, and recycling facilities located closer to the
40 point of collection to minimize transportation-related emissions and

1 increase accountability for the ultimate disposition of covered
2 products;

3 (c) Operate consistent with best practices for management of
4 covered products consistent with the waste management hierarchy
5 established in RCW 70A.205.005(8);

6 (d) Prioritize the use of secondhand markets of covered products
7 when establishing collection sites to meet the minimum collection
8 requirements;

9 (e) Manage covered materials collected through the program in a
10 manner consistent with standards that safeguard against the dumping
11 of covered products abroad, which may include, but are not limited
12 to, corporate social responsibility, social accountability
13 international (SA8000), worldwide responsible accredited production,
14 and SCS global services-certified responsible source textiles;

15 (f) Minimize the negative environmental and human health impacts
16 and maximize the positive environmental and human health impacts of
17 all operations associated with the plan, including impacts from
18 collected covered products exported outside of Washington;

19 (g) Include development of a program to support laundries for
20 laundering covered products that includes funding for technology that
21 reduces water consumption and reduces microfiber and microplastic
22 discharges in wastewater; and

23 (h) Include the development of strategies to address preconsumer
24 and postconsumer design challenges for covered products including,
25 but not limited to, compostability, recyclability, reusability,
26 repairability, reduction and removal of harmful chemicals, microfiber
27 and microplastic shedding, and mixed material blends.

28 (3) The needs assessment must comply with all of the following:

29 (a) Be designed to inform a budget and plan to implement an
30 extended producer responsibility program designed to result in the
31 acceptance and management of all postconsumer covered products;

32 (b) Propose and rely upon quantifiable five-year and annual
33 performance standards and metrics that the extended producer
34 responsibility program would be required to achieve, that demonstrate
35 continuous improvement over time; and

36 (c) Include an evaluation of all of the following with respect to
37 covered products and covered product categories:

38 (i) Existing scope and scale of annual covered products:
39 (A) Diverted to landfill or incineration in the state by type of
40 covered product, material composition, and volume;

1 (B) Diverted to reuse, repair, or recycling in the state or from
2 the state by type of covered product, material composition, and
3 volume; and

4 (C) Exported to other countries, the destination of such exports,
5 and final disposition of such exports, by type of covered product,
6 material composition, and volume;

7 (ii) The current repair, reuse, recycling, collection, sorting,
8 and hauling system in the state and the expanded access and
9 additional repair, reuse, recycling, collection, sorting,
10 disassembly, and hauling options needed to meet the intent of this
11 chapter;

12 (iii) Current market conditions, including rates of textile and
13 apparel export, and the need to create responsible and economically
14 viable markets in the state, regionally, and globally;

15 (iv) Existing state statutory provisions and funding sources
16 related to market development and financial incentives to help
17 achieve the state's goals related to repair, reuse, recycling,
18 collection, sorting, disassembly, and hauling;

19 (v) Consumer education needs and the methods by which the textile
20 and apparel coordinating organization can best reach consumers with
21 educational messaging and assess the effectiveness of that messaging;

22 (vi) Consumer behaviors necessary to drive repair, reuse, and
23 recycling and to achieve the requirements of this chapter;

24 (vii) Funding needs and incentive mechanisms necessary to achieve
25 the intent of this chapter, including coverage of the operation of an
26 extended producer responsibility program;

27 (viii) Fee reduction or redistribution mechanisms necessary to
28 achieve the intent of this chapter, in a manner that equitably
29 distributes the costs among participating producers that reflects
30 production and sales and rental volumes relevant to the Washington
31 market. Fee reduction or redistribution mechanisms may consider
32 existing producer collection, repair, reuse, repurposing, and
33 recycling programs that help achieve the intent of this chapter;

34 (ix) Actions and investments necessary to provide equitable and
35 sufficient access to collection, repurposing, recycling, composting,
36 processing, and transportation to responsible and economically viable
37 markets;

38 (x) An assessment of the availability of existing organizations
39 that repair, repurpose, and upcycle covered products;

1 (xi) An evaluation of the availability or lack of availability of
2 responsible markets for repaired, reused, and recycled covered
3 products, the need to incentivize reused, repurposed, repaired, and
4 upcycled products or recycled material market development, and the
5 associated investments or actions needed to ensure that the covered
6 products are reused, repaired, repurposed, upcycled, or recycled and
7 have responsible and economically viable and sufficient markets;

8 (xii) An evaluation of the factors contributing to the presence
9 of perfluoroalkyl and polyfluoroalkyl substances and other chemicals
10 identified or regulated under chapters 70A.350 and 70A.430 RCW, and
11 the actions and investments needed to avoid contamination related to
12 recycling. This must include available markets for recycled material
13 that cannot be remanufactured into apparel or textile articles in
14 Washington; and

15 (xiii) An evaluation of what factors will be important to
16 successfully implement an eco-modulated fee structure, and what
17 associated data collection is recommended for future inclusion as
18 part of a plan to implement an extended producer responsibility
19 program. The eco-modulated fee assumed under this subsection must
20 reflect Washington sales volume, existing producer collection,
21 repair, reuse, and recycling programs that help achieve the purposes
22 of this chapter, and the cost of reusing, repairing, repurposing,
23 upcycling, recycling, or otherwise managing covered products under
24 this chapter. The intent of the eco-modulated fee would be to
25 incentivize design choices that facilitate the achievement of goals
26 outlined in the plan, including reuse, repair, repurposing,
27 upcycling, and recycling, and the reduction and removal of harmful
28 chemicals, microfiber and microplastic shedding, and mixed material
29 blends through reduced fees, while using malus fees to disincentivize
30 practices and materials incongruent with the plan goals. The producer
31 responsibility organization would be required to consider existing
32 collection, repair, reuse, repurposing, upcycling, and recycling
33 programs in developing the eco-modulated fee structure.

34 (4) A textile and apparel coordinating organization must develop
35 each needs assessment in consultation with the advisory council
36 created in section 11 of this act and a broad diversity of government
37 entities, collection, brokering, reuse, repair, and recycling service
38 providers, and processors that reflect the different needs and
39 challenges presented by managing different covered products through
40 final disposition.

1 (5) Based on the needs assessment, the department must submit to
2 the appropriate committees of the legislature an evaluation of the
3 current status of extended producer responsibility program
4 implementation in other jurisdictions, including identified best
5 practices or design features potentially salient for program design
6 in Washington, and recommendations for how the 2029 legislature
7 should design an extended producer responsibility program consistent
8 with the intent of this chapter. The recommendations must be
9 submitted together with the needs assessment by September 15, 2028.
10 The department's recommendations should consider and, as appropriate,
11 include:

12 (a) Proposed deviations from the definitions established in
13 section 2 of this act, including the definitions of "producer,"
14 "apparel," and "textile," including related adjustments to the scope
15 of covered entities and products under a potential future extended
16 producer responsibility program, as compared to the scope of covered
17 entities and products contemplated in the needs assessment; and

18 (b) Recommendations addressing whether to allow multiple producer
19 responsibility organizations, not counting individual producer
20 responsibility organizations, for purposes of implementing a
21 potential future extended producer responsibility program.

22 NEW SECTION. **Sec. 6.** TEXTILE AND APPAREL COORDINATING
23 ORGANIZATION FEES AND REIMBURSEMENT OF STATE COSTS. (1) Each textile
24 and apparel coordinating organization must pay all administrative and
25 operational costs associated with carrying out the requirements of
26 this chapter.

27 (2) A textile and apparel coordinating organization must
28 establish a method for fully funding the textile and apparel
29 coordinating organization in a manner that equitably distributes the
30 program's costs among participating producers.

31 (3) Each textile and apparel coordinating organization must
32 submit an initial payment to the department by May 1, 2027, to cover
33 actual and estimated costs of the department from the effective date
34 of this section through June 30, 2028. By May 31, 2028, each textile
35 and apparel coordinating organization must submit a registration fee
36 to the department to fund estimated costs of the department to
37 implement, administer, and enforce this chapter for the coming fiscal
38 year.

1 NEW SECTION. **Sec. 7.** DEPARTMENT OF ECOLOGY ADMINISTRATION AND
2 OVERSIGHT. (1) The department may adopt rules to implement,
3 administer, and enforce this chapter.

4 (2)(a) By March 15, 2027, the department must determine an
5 initial annual payment that is adequate to cover the department's
6 costs to implement, administer, and enforce this chapter from the
7 effective date of this section until June 30, 2028. On March 15,
8 2028, the department must determine a textile and apparel
9 coordinating organization payment due in May to cover the
10 department's estimated cost for the coming fiscal year.

11 (b) The textile and apparel coordinating organization must
12 annually pay the department fees to cover the department's incurred
13 costs. The fees must not exceed the department's actual regulatory
14 costs to implement and enforce this chapter.

15 (c) The department must deposit all moneys received from a
16 textile and apparel coordinating organization under this subsection
17 in the textile and apparel coordinating organization account created
18 in section 13 of this act.

19 (3) Individual producer financial or sales data reported to the
20 department is not subject to inspection or copying under chapter
21 42.56 RCW.

22 NEW SECTION. **Sec. 8.** ENFORCEMENT. (1)(a) The department may
23 administratively impose a civil penalty of up to \$1,000 per violation
24 per day on any person who violates this chapter and up to \$10,000 per
25 violation per day for the second and each subsequent violation.

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

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

1 (3) Any person who incurs a penalty or receives an order may
2 appeal the penalty or order to the pollution control hearings board
3 created in chapter 43.21B RCW.

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

6 NEW SECTION. **Sec. 9.** MARKETPLACE PROVISIONS. By June 30, 2027,
7 an online marketplace must notify the department and the textile and
8 apparel coordinating organization of all third-party sellers with
9 sales of covered products over \$1,000,000 sold on their online
10 marketplace in calendar year 2026 and provide all required
11 information. The amount of the sales described in this section
12 includes only those transactions through the online marketplace for
13 which payment is processed by the online marketplace directly or
14 through its payment processor.

15 NEW SECTION. **Sec. 10.** PROHIBITION ON CERTAIN USES OF TEXTILE
16 AND APPAREL COORDINATING ORGANIZATION FUNDS. A textile and apparel
17 coordinating organization may not use funds collected to implement a
18 needs assessment required under this chapter for purposes associated
19 with:

- 20 (1) The payment of an administrative penalty levied;
21 (2) Administrative appeals of orders or penalties;
22 (3) Litigation between the textile and apparel coordinating
23 organization and the state;
24 (4) Compensation of a person whose position is primarily
25 representing the textile and apparel coordinating organization
26 relative to the passage, defeat, approval, or modification of
27 legislation that is being considered by a government entity;
28 (5) Paid advertisements related to encouraging the passage,
29 defeat, approval, or modification of legislation that is being
30 considered during an upcoming or current legislative session or was
31 considered during the previous legislative session; or
32 (6) For any other lobbying or political advocacy activities that
33 would require reporting under chapter 42.17A RCW or under the federal
34 election campaign act, 2 U.S.C. chapter 14.

35 NEW SECTION. **Sec. 11.** ADVISORY COUNCIL. (1) The textiles and
36 apparel advisory council is established to review all activities
37 conducted by textile and apparel coordinating organizations under

1 this chapter and to advise the department and textile and apparel
2 coordinating organizations regarding the implementation of this
3 chapter.

4 (2) By January 31, 2027, the department must establish and
5 appoint the initial membership of the advisory council. The
6 membership of the advisory council must consist of the following:

7 (a) One member representing manufacturers of textiles or a
8 statewide or national trade association representing those
9 manufacturers;

10 (b) One member representing manufacturers of apparel or a
11 statewide or national trade association representing those
12 manufacturers;

13 (c) Two members representing recycling facilities that manage
14 textiles and apparel;

15 (d) One member representing a solid waste collection company or a
16 statewide association representing solid waste collection companies;

17 (e) One member representing retailers of textiles and apparel or
18 a statewide trade association representing those retailers;

19 (f) One member representing a statewide nonprofit environmental
20 organization with a focus on textile reuse, repurposing, upcycling,
21 and recycling;

22 (g) One member representing a community-based nonprofit
23 environmental justice organization with a focus on textile reuse,
24 repurposing, upcycling, and recycling;

25 (h) One member representing entities that own or operate clothing
26 drop-off collection locations in Washington;

27 (i) One member representing nonprofit thrift stores;

28 (j) One member representing a covered product consignment
29 business;

30 (k) Two members representing individuals or organizations
31 representing overburdened, underrepresented, or historically
32 marginalized communities;

33 (l) One member representing an association of counties;

34 (m) One member representing an association of cities;

35 (n) One member representing tribal or indigenous textile or
36 apparel management organizations;

37 (o) One nonvoting member representing each registered textile and
38 apparel coordinating organization; and

39 (p) One nonvoting member representing the department.

40 (3) In appointing members, the department:

1 (a) Is prohibited from appointing members who are state
2 legislators or registered lobbyists;

3 (b) Is prohibited from appointing members who are employees of
4 producers required to be members of a textile and apparel
5 coordinating organization under this chapter; and

6 (c) Must endeavor to appoint members from all regions of the
7 state.

8 (4) (a) The member appointed to represent the department serves at
9 the pleasure of the department. All other members serve for a term of
10 four years, except that the initial term for nine of the initial
11 appointees must be two years so that membership terms are staggered.
12 Members may be reappointed but may not serve more than eight
13 consecutive years.

14 (b) A member may be removed by the department at any time. The
15 chair of the advisory council must inform the department of a member
16 missing three consecutive meetings. After the second consecutive
17 missed meeting, the chair of the advisory council must notify the
18 member in writing that the member may be removed for missing the next
19 meeting. If there is a vacancy on the advisory council for any
20 reason, the department shall make an appointment to become effective
21 immediately for the unexpired term.

22 (5) Advisory councilmembers that are representatives of tribes,
23 tribal or indigenous services organizations, community-based
24 organizations, or environmental nonprofit organizations must, if
25 requested, be compensated and reimbursed in accordance with
26 RCW 43.03.050, 43.03.060, and 43.03.220.

27 (6) (a) A majority of the voting members of the advisory council
28 constitutes a quorum. If there is a vacancy in the membership of the
29 advisory council, a majority of the remaining voting members of the
30 advisory council constitutes a quorum.

31 (b) Action by the advisory council requires a quorum and a
32 majority of those present and voting. All members of the advisory
33 council, except the member appointed to represent the department and
34 the member appointed to represent the textile and apparel
35 coordinating organization, are voting members of the advisory
36 council.

37 (7) (a) The advisory council must meet at least two times per year
38 and may meet more frequently upon 10 days' written notice at the
39 request of the chair or a majority of its members.

1 (b) Meetings of the advisory council must comply with chapter
2 42.30 RCW, the open public meetings act.

3 (8) At its initial meeting, and every two years thereafter, the
4 advisory council must elect a chair and vice chair from among its
5 members.

6 (9) The department shall provide administrative and operating
7 support to the advisory council, including compensation in accordance
8 with subsection (5) of this section, and may contract with a third-
9 party facilitator to assist in administering the activities of the
10 advisory council, including establishing a website or landing page on
11 the department website.

12 (10) The department must assist the advisory council in
13 developing policies and procedures governing the disclosure of actual
14 or perceived conflicts of interest that advisory councilmembers may
15 have as a result of their employment or financial holdings with
16 respect to themselves or family members. Each advisory councilmember
17 is responsible for reviewing the conflict-of-interest policies and
18 procedures. An advisory councilmember must disclose any instance of
19 actual or perceived conflicts of interest at each meeting of the
20 advisory council at which recommendations regarding plans, programs,
21 operations, or activities are made by the advisory council.

22 NEW SECTION. **Sec. 12.** CONFIDENTIAL INFORMATION SUBMISSION. A
23 textile and apparel coordinating organization, producer, or other
24 entity that submits information or records to the department under
25 this chapter may request that the information or records, including
26 data related to business profits, service rates, fees, or business
27 expenses or private data on individuals, be made available only for
28 the confidential use of the department, the director of the
29 department, the appropriate division of the department, or the
30 independent consultant carrying out the independent review of the
31 program in RCW 70A.208.210. The director of the department must
32 consider the request and if this action is not detrimental to the
33 public interest and is otherwise in accordance with the policies and
34 purposes of chapter 43.21A RCW, the director must grant the request
35 for the information to remain confidential as authorized in RCW
36 43.21A.160.

37 NEW SECTION. **Sec. 13.** ACCOUNT. (1) The textile and apparel
38 coordinating organization account is created in the custody of the

1 state treasurer. All receipts received by the department under this
2 chapter must be deposited in the account. Only the director of the
3 department or the director's designee may authorize expenditures from
4 the account. The account is subject to the allotment procedures under
5 chapter 43.88 RCW, but an appropriation is not required for
6 expenditures. Expenditures from the account may be used by the
7 department only for implementing, administering, and enforcing the
8 requirements of this chapter.

9 (2) It is the intent of the legislature that the portion of the
10 textile and apparel coordinating organization fee received in 2027
11 for the costs of the department be transferred to whichever state
12 account was used to cover the costs of the department prior to the
13 payment of the textile and apparel coordinating organization fee in
14 2027.

15 **Sec. 14.** RCW 43.21B.110 and 2025 c 327 s 1, 2025 c 319 s 6, 2025
16 c 316 s 301, 2025 c 314 s 13, 2025 c 311 s 7, and 2025 c 58 s 1008
17 are each reenacted and amended to read as follows:

18 POLLUTION CONTROL HEARINGS BOARD JURISDICTION. (1) The hearings
19 board shall only have jurisdiction to hear and decide appeals from
20 the following decisions of the department, the director, local
21 conservation districts, the air pollution control boards or
22 authorities as established pursuant to chapter 70A.15 RCW, local
23 health departments, the department of natural resources, the
24 department of fish and wildlife, the parks and recreation commission,
25 and authorized public entities described in chapter 79.100 RCW:

26 (a) Civil penalties imposed pursuant to chapter 70A.230 RCW and
27 RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.205.740,
28 70A.205.280, 70A.205.545, 70A.355.070, 70A.430.070, 70A.500.260,
29 70A.505.100, 70A.505.110, 70A.530.040, 70A.350.070, 70A.515.060,
30 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130,
31 70A.245.140, 70A.65.200, 70A.455.090, 70A.535.180, 70A.550.030,
32 70A.555.110, 70A.560.020, 70A.208.230, 70A.565.030, section 8 of this
33 act, 76.04.205, 76.09.170, 77.55.440, 78.44.250, 88.46.090,
34 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

35 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
36 18.104.130, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.15.4530,
37 70A.15.6010, 70A.205.740, 70A.205.280, 70A.214.140, 70A.300.120,
38 70A.350.070, 70A.245.020, 70A.65.200, 70A.535.180, 70A.505.100,
39 70A.555.110, 70A.560.020, 70A.208.230, 70A.565.030, section 8 of this

1 act, 86.16.020, 88.46.070, 90.03.665, 90.14.130, 90.46.250,
2 90.48.120, 90.48.240, 90.56.330, and 90.64.040.

3 (c) Except as provided in RCW 90.03.210(2), the issuance,
4 modification, or termination of any permit, certificate, or license
5 by the department or any air authority in the exercise of its
6 jurisdiction, including the issuance or termination of a waste
7 disposal permit, the denial of an application for a waste disposal
8 permit, the modification of the conditions or the terms of a waste
9 disposal permit, a decision to approve or deny a solid waste
10 management plan under RCW 70A.205.055, approval or denial of an
11 application for a beneficial use determination under RCW 70A.205.260,
12 an application for a change under RCW 90.03.383, or a permit to
13 distribute reclaimed water under RCW 90.46.220.

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

17 (e) Decisions of local health departments regarding the issuance
18 and enforcement of permits to use or dispose of biosolids under RCW
19 70A.226.090.

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

22 (g) Decisions of local conservation districts related to the
23 denial of approval or denial of certification of a dairy nutrient
24 management plan; conditions contained in a plan; application of any
25 dairy nutrient management practices, standards, methods, and
26 technologies to a particular dairy farm; and failure to adhere to the
27 plan review and approval timelines in RCW 90.64.026 as provided in
28 RCW 90.64.028.

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

32 (i) Decisions of the department of natural resources, the
33 department of fish and wildlife, and the department that are
34 reviewable under chapter 76.09 RCW, and the department of natural
35 resources' appeals of county, city, or town objections under RCW
36 76.09.050(7).

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

39 (k) Decisions of the department of fish and wildlife to issue,
40 deny, condition, or modify a hydraulic project approval permit under

1 chapter 77.55 RCW, to issue a stop work order, to issue a notice to
2 comply, to issue a civil penalty, or to issue a notice of intent to
3 disapprove applications.

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

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

10 (n) Decisions of the department of ecology that are appealable
11 under RCW 70A.245.020 to set recycled minimum postconsumer content
12 for products or to temporarily exclude types of products in plastic
13 containers from minimum postconsumer recycled content requirements.

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

15 (p) Decisions by the department of ecology under RCW
16 70A.208.150(5) regarding a proposal by a producer responsibility
17 organization to count materials sent to an alternative recycling
18 facility towards recycling performance targets.

19 (q) Decisions of the department of natural resources under RCW
20 76.04.205.

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

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

27 (b) Hearings conducted by the department pursuant to RCW
28 70A.15.3010, 70A.15.3070, 70A.15.3080, 70A.15.3090, 70A.15.3100,
29 70A.15.3110, and 90.44.180.

30 (c) Appeals of decisions by the department under RCW 90.03.110
31 and 90.44.220.

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

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

37 **Sec. 15.** RCW 43.21B.300 and 2025 c 316 s 302 and 2025 c 58 s
38 3008 are each reenacted and amended to read as follows:

1 POLLUTION CONTROL HEARINGS BOARD PROCESSES. (1) Any civil penalty
2 provided in RCW 18.104.155, 70A.15.3160, 70A.205.280, 70A.230.080,
3 70A.300.090, 70A.20.050, 70A.245.040, 70A.245.050, 70A.245.070,
4 70A.245.080, 70A.245.130, 70A.245.140, 70A.65.200, 70A.430.070,
5 70A.455.090, 70A.500.260, 70A.505.110, 70A.555.110, 70A.560.020,
6 70A.208.230, 70A.565.030, section 8 of this act, 86.16.081,
7 88.46.090, 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and
8 90.64.102 and chapter 70A.355 RCW shall be imposed by a notice in
9 writing, either by certified mail with return receipt requested or by
10 personal service, to the person incurring the penalty from the
11 department or the local air authority, describing the violation with
12 reasonable particularity. For penalties issued by local air
13 authorities, within 30 days after the notice is received, the person
14 incurring the penalty may apply in writing to the authority for the
15 remission or mitigation of the penalty. Upon receipt of the
16 application, the authority may remit or mitigate the penalty upon
17 whatever terms the authority in its discretion deems proper. The
18 authority may ascertain the facts regarding all such applications in
19 such reasonable manner and under such rules as it may deem proper and
20 shall remit or mitigate the penalty only upon a demonstration of
21 extraordinary circumstances such as the presence of information or
22 factors not considered in setting the original penalty.

23 (2) Any penalty imposed under this section may be appealed to the
24 pollution control hearings board in accordance with this chapter if
25 the appeal is filed with the hearings board and served on the
26 department or authority 30 days after the date of receipt by the
27 person penalized of the notice imposing the penalty or 30 days after
28 the date of receipt of the notice of disposition by a local air
29 authority of the application for relief from penalty.

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

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

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

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

37 (4) If the amount of any penalty is not paid to the department
38 within 30 days after it becomes due and payable, the attorney
39 general, upon request of the department, shall bring an action in the
40 name of the state of Washington in the superior court of Thurston

1 county, or of any county in which the violator does business, to
2 recover the penalty. If the amount of the penalty is not paid to the
3 authority within 30 days after it becomes due and payable, the
4 authority may bring an action to recover the penalty in the superior
5 court of the county of the authority's main office or of any county
6 in which the violator does business. In these actions, the procedures
7 and rules of evidence shall be the same as in an ordinary civil
8 action.

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

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

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

15 (c) Penalties imposed pursuant to RCW 70A.230.080, 70A.300.090,
16 70A.430.070, 70A.555.110, 70A.560.020, and 70A.565.030 must be
17 credited to the model toxics control operating account created in RCW
18 70A.305.180;

19 (d) Penalties imposed pursuant to RCW 70A.245.040, 70A.245.050,
20 and chapter 70A.208 RCW must be credited to the recycling enhancement
21 account created in RCW 70A.245.100;

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

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

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

29 (h) Penalties imposed pursuant to RCW 70A.355.070 must be
30 credited to the underground storage tank account created in RCW
31 70A.355.090.

32 NEW SECTION. **Sec. 16.** Sections 1 through 13 of this act
33 constitute a new chapter in Title 70A RCW.

34 NEW SECTION. **Sec. 17.** Sections 1 through 13 of this act expire
35 July 1, 2030.

36 NEW SECTION. **Sec. 18.** If any provision of this act or its
37 application to any person or circumstance is held invalid, the

1 remainder of the act or the application of the provision to other
2 persons or circumstances is not affected.

--- **END** ---