
SUBSTITUTE HOUSE BILL 1497

State of Washington

69th Legislature

2025 Regular Session

By House Environment & Energy (originally sponsored by Representatives Doglio, Reeves, Berry, Reed, Parshley, Ramel, Pollet, Hill, and Scott)

READ FIRST TIME 02/10/25.

1 AN ACT Relating to improving outcomes associated with waste
2 material management systems, including organic materials management
3 systems; amending RCW 70A.207.050, 70A.205.540, 70A.205.545,
4 15.64.060, and 28A.235.180; reenacting and amending RCW 43.21B.110;
5 adding a new section to chapter 70A.207 RCW; adding new sections to
6 chapter 70A.205 RCW; adding a new section to chapter 19.27 RCW;
7 adding new sections to chapter 28A.235 RCW; adding a new section to
8 chapter 70A.455 RCW; creating a new section; and prescribing
9 penalties.

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

11 NEW SECTION. **Sec. 1.** The legislature finds that the state has
12 established goals for the reduction of food waste and wasted food,
13 and management of organic materials. The legislature also finds that
14 it has enacted significant policies in recent years that are already
15 showing promise in helping the state to achieve its food waste,
16 wasted food, and organic materials management goals. More work,
17 however, remains to be done in the organic materials management
18 space, including the refinement of policies enacted in recent years
19 to make the envisioned programs more efficient, implementable,
20 comprehensive, and effective. Therefore, it is the intent of the
21 legislature to take another step forward on the path toward more

1 environmentally and economically sustainable food and organic
2 materials management systems by enacting additional incremental
3 policy changes to this end.

4 **SOURCE SEPARATION AND CONTAMINATION EDUCATION AND OUTREACH PROGRAM**

5 NEW SECTION. **Sec. 2.** A new section is added to chapter 70A.207
6 RCW to read as follows:

7 (1) Subject to amounts specifically appropriated for this
8 purpose, the department must develop an education and outreach
9 program focused on residential organics source separation
10 participation and contamination reduction.

11 (2) The education and outreach program must include:

12 (a) An assessment of barriers and motivators for the source
13 separation of food scraps, which must include researching different
14 terminologies, technologies, and strategies for representative
15 audiences;

16 (b) Pilot strategies to motivate residents to increase the
17 diversion of organic materials to productive uses while reducing
18 contamination; and

19 (c) A toolkit for counties and cities to voluntarily implement
20 that can be customized for different geographies and audiences. As
21 part of the toolkit, the department must develop recommended
22 performance metrics for use by counties and cities to measure
23 residential organic materials diversion to productive uses, including
24 the percentage of food waste that is appropriately source-separated
25 and levels of contamination.

26 (3) Subject to amounts specifically appropriated for this
27 purpose, the department must hire an independent third party to:

28 (a) Conduct the assessment specified in subsection (2)(a) of this
29 section; and

30 (b) Develop the education and outreach program specified in
31 subsection (1) of this section.

32 (4) Subject to amounts specifically appropriated for this
33 purpose, no later than January 1, 2029, the department must implement
34 a statewide education campaign that compliments the county and city
35 education toolkit developed under subsection (2)(c) of this section.

36 **ORGANICS GRANT PROGRAM ELIGIBILITY**

1 **Sec. 3.** RCW 70A.207.050 and 2024 c 341 s 202 are each amended to
2 read as follows:

3 (1) The department, through the center, must develop and
4 administer grant programs to support the implementation of the
5 requirements of this act, including the requirements of section 4 of
6 this act, chapter 341, Laws of 2024, and chapter 180, Laws of 2022,
7 with priority given to grants that support the implementation of RCW
8 70A.205.540 and 70A.205.545. Eligible recipients of grants under this
9 section may include businesses that are subject to organic material
10 management requirements, local governments, federally recognized
11 Indian tribes and federally recognized Indian tribal government
12 entities, nonprofit organizations, or organic material management
13 facilities. Eligible expenses by grant recipients include education,
14 outreach, technical assistance, indoor and outdoor infrastructure,
15 transportation and processing infrastructure, and enforcement costs.

16 (2) The department may not require, as a condition of financial
17 assistance under this section, that matching funds be made available
18 by a local government recipient. The department must provide
19 assistance to each local government that demonstrates eligibility for
20 grant assistance under this section.

21 (3) An entity that is not in compliance with the requirements of
22 section 4 of this act is not eligible to receive funding under this
23 section.

24 (4) The department must require, as a condition of receiving
25 financial assistance under this section, that a local government
26 recipient provide performance metric data specified in section
27 2(2)(c) of this act to the department. The department must adopt
28 rules to identify the minimum measurement and reporting requirements
29 under this subsection necessary for a local government recipient to
30 be eligible for funding under this section.

31 **COLLECTION BINS, LIDS, AND LABELS**

32 NEW SECTION. **Sec. 4.** A new section is added to chapter 70A.205
33 RCW to read as follows:

34 (1)(a) Beginning January 1, 2028, in each jurisdiction planning
35 under this chapter, the indoor or outdoor containers, including lids,
36 smaller than 101 gallons provided to customers for collection
37 services, including multifamily, commercial, government, and other
38 public places, institutional, and curbside residential collection

1 services, must be provided in a color-coded manner consistent with
2 the requirements of subsection (2) of this section in order to reduce
3 contamination.

4 A jurisdiction or solid waste collection company is not required
5 to replace a functional container or lid to match the coloring
6 requirements in subsection (2) of this section. The requirements of
7 this subsection apply only to solid waste collection containers
8 purchased on or after August 1, 2025, and do not apply to solid waste
9 collection containers purchased by a jurisdiction prior to August 1,
10 2025.

11 (b) Jurisdictions and solid waste collection companies are
12 encouraged, prior to January 1, 2028, to provide solid waste
13 collection containers, including lids, that are consistent with
14 subsection (2) of this section.

15 (c) A jurisdiction planning under this chapter may petition the
16 department for an exemption from the requirements of subsection (2)
17 of this section.

18 (i) The department must grant a petition from a jurisdiction
19 allowing the jurisdiction to use a color inconsistent with subsection
20 (2) of this section for the purposes of a charitable program
21 implemented by the jurisdiction, such as for purposes of fundraising
22 for a nonprofit organization.

23 (ii) The department may grant an exemption in response to a
24 petition from a jurisdiction that demonstrates that the provision of
25 color-coded containers consistent with subsection (2) of this section
26 is not feasible, and the jurisdiction proposes an alternative plan to
27 reduce contamination in the jurisdiction.

28 (2) (a) (i) In a jurisdiction where source-separated recyclable
29 materials and source-separated organic materials are collected
30 separately, a gray or black container may be used only for the
31 collection of solid waste that is not a source-separated recyclable
32 material or a source-separated organic material;

33 (ii) In a jurisdiction where source-separated recyclable
34 materials or organic materials are not collected separately, a gray
35 or black container may be used for any solid waste, including organic
36 material or recyclable material that is not separately collected in
37 the jurisdiction.

38 (b) A blue container may be used only for source-separated
39 recyclable materials. The contents of the blue container must be
40 intended for transport, directly or indirectly, to a facility that

1 recovers the materials designated for collection in the blue
2 container.

3 (c) A green or brown container may be used only for source-
4 separated organic materials and the contents of green or brown-lidded
5 containers must be intended for transport, directly or indirectly, to
6 an organic materials management facility.

7 (d) (i) A color other than green, brown, blue, black, or gray may
8 be used only in accordance with any statewide standards that the
9 department elects to develop.

10 (ii) A jurisdiction may petition the department to continue the
11 use of a dark green color for solid waste other than source-separated
12 recyclable materials, and the department must grant the petition upon
13 determining that the dark green color is easily distinguishable from
14 a light green or brown color used by the jurisdiction for source-
15 separated organic materials.

16 (e) The department may determine the appropriate container color
17 to be used for materials that could conceivably be placed in multiple
18 types of containers specified in (a) through (d) of this subsection.

19 (3) (a) By January 1, 2028, each container for curbside,
20 commercial, or public place waste collection must bear a clear and
21 conspicuous label on each container and lid, using background colors
22 or a font that matches the coloring arrangement for containers and
23 lids specified in subsection (2) of this section, specifying the
24 categories of materials that are allowed to be placed in the
25 container. The requirements of this subsection (3) may be satisfied
26 by:

27 (i) A label placed on a container that includes either written
28 text or graphic images, or both, that indicate the primary categories
29 of materials accepted in that container; or

30 (ii) Imprinted text or graphic images that indicate the primary
31 categories of materials accepted in that container.

32 (b) A container with a volume of at least one cubic yard must
33 feature an area with a minimum of one foot by one foot area that
34 contains the label required in (a) of this subsection, and label text
35 with a font height of at least 5 inches.

36 (c) A container that is located indoors and does not have a lid
37 or that contains multiple compartments must feature a visible label
38 placed in proximity to the location in which solid waste is intended
39 to be deposited.

1 (d) The requirements of this subsection (3) do not apply to a
2 solid waste collection container that a jurisdiction plans to remove
3 from service prior to January 1, 2030, in order to be consistent with
4 the color-coding provisions of subsection (2) of this section.

5 (e) Local jurisdictions planning under this chapter are
6 encouraged to provide labels under this subsection:

7 (i) In multiple languages; and

8 (ii) That specify the individual types of materials within each
9 category of material that may be placed in each type of solid waste
10 collection container.

11 (4) Carpets, noncompostable paper, and hazardous wood waste may
12 not be collected in a green or brown container. The department may
13 adopt rules to prohibit additional waste stream contaminants from
14 being placed in a green or brown container or a blue container.

15 (5) Notwithstanding the applicability of an exemption under
16 subsections (1) through (3) of this section, the contents of
17 containers used for the collection of source-separated recyclable
18 materials must be intended for transport to a facility that recovers
19 the corresponding materials, and the contents of containers used for
20 the collection of organic materials must be intended for transport,
21 directly or indirectly, to an organic materials management facility.

22 (6) The definitions in this subsection apply throughout this
23 section unless the context clearly requires otherwise.

24 (a) (i) "Blue container" means a container where the body of the
25 container is blue and the lid is blue or black in color.

26 (ii) Hardware, such as hinges and wheels on a blue-lidded
27 container, may be any color.

28 (b) (i) "Green or brown container" means a container where the
29 body of the container is green or brown and the lid is green, brown,
30 or black in color.

31 (ii) Hardware, such as hinges and wheels on a green or brown-
32 lidded container, may be any color.

33 (c) (i) "Gray or black container" means a container where the body
34 of the container is gray or black and the lid is gray or black in
35 color.

36 (ii) Hardware, such as hinges and wheels on a gray or black-
37 lidded container, may be any color.

38 (iii) A galvanized metal container or lid that is unpainted and
39 gray or silver in appearance is considered to be a gray container or
40 lid for purposes of this section.

1 **MULTIFAMILY SERVICE OBLIGATIONS**

2 **Sec. 5.** RCW 70A.205.540 and 2024 c 341 s 301 are each amended to
3 read as follows:

4 (1) Except as provided in subsection (3) of this section, in each
5 jurisdiction that implements a local solid waste plan under RCW
6 70A.205.040:

7 (a) Beginning April 1, 2027, source-separated organic solid waste
8 collection services are required to be provided year-round to:

9 (i) All single-family residents; and

10 (ii) Nonresidential customers that generate more than .25 cubic
11 yards per week of organic materials for management;

12 (b)(i) The department may, by waiver, reduce the collection
13 frequency requirements in (a) of this subsection for the collection
14 of dehydrated food waste or to address food waste managed through
15 other circumstances or technologies that will reduce the volume or
16 odor, or both, of collected food waste.

17 (ii) All organic solid waste collected from single-family
18 residents and businesses under this subsection must be managed
19 through organic materials management;

20 (c) Beginning April 1, 2030, the source-separated organic solid
21 waste collection services specified in (a) of this subsection must be
22 provided (~~to customers~~) on a nonelective basis to customers that
23 receive other curbside solid waste services, except that a
24 jurisdiction may grant an exemption to a customer that certifies to
25 the jurisdiction that the customer is managing organic material waste
26 on-site or self-hauling its own organic material waste for organic
27 materials management;

28 (d) Beginning April 1, 2030, each jurisdiction's source-separated
29 organic solid waste collection service must include the acceptance of
30 food waste year-round. The jurisdiction may choose to collect food
31 waste source-separated from other organic materials or may collect
32 food waste commingled with other organic materials; and

33 (e) Beginning April 1, 2030, all persons, when using curbside
34 collection for disposal, may use only source-separated organic solid
35 waste collection services to discard unwanted organic materials. By
36 January 1, 2027, the department must develop guidance under which
37 local jurisdictions may exempt persons from this requirement if
38 organic materials will be managed through an alternative mechanism
39 that provides equal or better environmental outcomes. Nothing in this

1 section precludes the ability of a person to use on-site composting,
2 the diversion of organic materials to animal feed, self-haul organic
3 materials to a facility, or other means of beneficially managing
4 unwanted organic materials. For the purposes of this subsection
5 (1)(e), "person" or "persons" does not include multifamily
6 residences, who are instead subject to the provisions of subsection
7 (5) of this section.

8 (2) A jurisdiction may charge and collect fees or rates for the
9 services provided under subsection (1) of this section, consistent
10 with the jurisdiction's authority to impose fees and rates under
11 chapters 35.21, 35A.21, 36.58, and 36.58A RCW.

12 (3)(a) Except as provided in (e) of this subsection, the
13 requirements of this section do not apply in a jurisdiction if the
14 department determines that the following apply:

15 (i) The jurisdiction disposed of less than 5,000 tons of solid
16 waste in the most recent year for which data is available; or

17 (ii) The jurisdiction has a total population of less than 25,000
18 people.

19 (b) The requirements of this section do not apply:

20 (i) In census tracts that have a population density of less than
21 75 people per square mile that are serviced by the jurisdiction and
22 located in unincorporated portions of a county, as determined by the
23 department, in counties not planning under chapter 36.70A RCW;

24 (ii) In census tracts that have a population density of greater
25 than 75 people per square mile, where the census tract includes
26 jurisdictions that meet any of the conditions in (a)(i) and (ii) of
27 this subsection, that are serviced by the jurisdiction and located in
28 unincorporated portions of a county, as determined by the department,
29 in counties not planning under chapter 36.70A RCW;

30 (iii) Outside of urban growth areas designated pursuant to RCW
31 36.70A.110 in unincorporated portions of a county planning under
32 chapter 36.70A RCW;

33 (iv) Inside of unincorporated urban growth areas for
34 jurisdictions planning under chapter 36.70A RCW that meet any of the
35 conditions in (a)(i) and (ii) of this subsection; and

36 (v) In unincorporated urban growth areas in counties with an
37 unincorporated population of less than 25,000 people.

38 (c) A jurisdiction that collects organic materials, but that does
39 not collect organic materials on a year-round basis as of January 1,
40 2024, is not required to provide year-round organic solid waste

1 collection services if it provides those services at least 26 weeks
2 annually.

3 (d) In addition to the exemptions in (a) through (c) of this
4 subsection, the department may issue a renewable waiver to
5 jurisdictions or portions of a jurisdiction under this subsection for
6 up to five years, based on consideration of factors including the
7 distance to organic materials management facilities, the sufficiency
8 of the capacity to manage organic materials at facilities to which
9 organic materials could feasibly and economically be delivered from
10 the jurisdiction, and restrictions in the transport of organic
11 materials under chapter 17.24 RCW. The department may adopt rules to
12 specify the type of information that a waiver applicant must submit
13 to the department and to specify the department's process for
14 reviewing and approving waiver applications.

15 (e) Beginning January 1, 2030, the department may adopt a rule to
16 require that the provisions of this section apply in the
17 jurisdictions identified in (b) through (d) of this subsection, but
18 only if the department determines that the goals established in RCW
19 70A.205.007(1) have not or will not be achieved.

20 (4) Any city that newly begins implementing an independent solid
21 waste plan under RCW 70A.205.040 after July 1, 2022, must meet the
22 requirements of subsection (1) of this section.

23 (5)(a) Jurisdictions planning together or independently that
24 submit a preliminary draft solid waste management plan to the
25 department under RCW 70A.205.040 and 70A.205.055(1) after the
26 effective date of this section must include programs and establish a
27 timeline to implement a phase-in to require collection of source-
28 separated organic materials from multifamily residences in areas
29 subject to the organic materials management requirements of
30 subsections (1) and (3) of this section. The programs and phase-in
31 established under this subsection must include required collection of
32 source-separated organic materials from all newly constructed or
33 substantially remodeled multifamily residential buildings certified
34 for occupancy after the local solid waste plan update takes effect.

35 (b) Programs established under this subsection may allow for
36 waivers from the requirements for source-separated organic materials
37 for an existing multifamily structure if it is determined that the
38 structure does not have adequate storage space for collection of
39 source-separated organic materials. In cases where space constraints
40 are determined to exist, the feasibility of shared containers by

1 contiguous multifamily structures or between multifamily structures
2 and adjacent businesses shall also be evaluated before a waiver is
3 granted.

4 (c) For purposes of this subsection (5), "substantially
5 remodeled" means a remodeled building for which the total cost
6 exceeds one-half of the assessed value of the building for property
7 tax purposes at the time the contract for the remodel work was made.

8 (6) Nothing in this section affects the authority or duties of
9 the department of agriculture related to pest and noxious weed
10 control and quarantine measures under chapter 17.24 RCW.

11 ~~((+6))~~ (7) No penalty may be assessed on an individual or
12 resident for the improper disposal of organic materials under
13 subsection (1) of this section in a noncommercial or residential
14 setting.

15 ~~((+7))~~ (8) The department must adopt new rules or amend existing
16 rules adopted under this chapter establishing permit requirements for
17 organic materials management facilities requiring a solid waste
18 handling permit addressing contamination associated with incoming
19 food waste feedstocks and finished products, for environmental
20 benefit.

21 **STATE BUILDING CODE OBLIGATIONS**

22 NEW SECTION. Sec. 6. A new section is added to chapter 19.27
23 RCW to read as follows:

24 The state building code must facilitate the collection of source-
25 separated organic materials from new multifamily residential and
26 commercial buildings, consistent with the requirements of RCW
27 70A.205.540 and the goals of RCW 70A.205.007, by ensuring that
28 sufficient space is allocated for solid waste storage, including
29 source-separated organic materials. A city or county may modify or
30 amend the requirements established under this section in order to
31 maintain consistency with requirements established by the city or
32 county under section 7 of this act.

33 **BUILDING OWNER/OPERATOR OBLIGATIONS**

34 NEW SECTION. Sec. 7. A new section is added to chapter 70A.205
35 RCW to read as follows:

1 The governing body of each county or city may require the owners
2 or operators of new or existing multifamily residential buildings to
3 do any combination of the following:

4 (1) Provide adequate space for the colocation of organic
5 materials waste and recycling collection containers with garbage
6 containers, or if colocation is not possible, requiring the posting
7 of signage notifying residents of where organic materials waste and
8 recycling containers are located;

9 (2) Identify organic materials waste collection containers with
10 appropriate and accurate signage and color to differentiate between
11 organic materials waste, recycling, and garbage collection
12 containers; or

13 (3) Annually provide waste sorting educational material to
14 building residents.

15 **BUSINESS ORGANIC MANAGEMENT**

16 **Sec. 8.** RCW 70A.205.545 and 2024 c 341 s 302 are each amended to
17 read as follows:

18 (1)(a) Beginning July 1, 2023, and each July 1st thereafter, the
19 department must determine which counties and any cities preparing
20 independent solid waste management plans:

21 (i) Provide for businesses to be serviced by providers that
22 collect food waste and organic material waste for delivery to solid
23 waste facilities that provide for the organic materials management of
24 organic material waste and food waste; and

25 (ii) Are serviced by solid waste facilities that provide for the
26 organic materials management of organic material waste and food waste
27 and have year-round capacity to process and are willing to accept
28 increased volumes of organic materials deliveries.

29 (b)(i) The department must determine and designate that the
30 restrictions of this section apply to businesses in a jurisdiction
31 unless the department determines that the businesses in some or all
32 portions of the city or county have:

33 (A) No available businesses that collect and deliver organic
34 materials to solid waste facilities that provide for the organic
35 materials management of organic material waste and food waste; or

36 (B) No available capacity at the solid waste facilities to which
37 businesses that collect and deliver organic materials could feasibly
38 and economically deliver organic materials from the jurisdiction.

1 (ii)(A) In the event that a county or city provides a written
2 request and supporting evidence to the department determining that
3 the criteria of (b)(i)(A) of this subsection are met, and the
4 department confirms this determination, then the restrictions of this
5 section apply only in those portions of the jurisdiction that have
6 available service-providing businesses.

7 (B) In the event that a county or city provides a written request
8 and supporting evidence to the department determining that the
9 criteria of (b)(i)(B) of this subsection are met, and the department
10 confirms this determination, then the restrictions of this section do
11 not apply to the jurisdiction.

12 (c) The department must make the result of the annual
13 determinations required under this section available on its website.

14 (d) The requirements of this section may be enforced by
15 jurisdictional health departments (~~(consistent with this chapter)~~) or
16 a jurisdiction implementing a plan under this chapter, except that:

17 (i) A jurisdictional health department may not charge a fee to
18 permit holders to cover the costs of the jurisdictional health
19 department's administration or enforcement of the requirements of
20 this section; and

21 (ii) Prior to issuing a penalty under this section, a
22 jurisdictional health department or a jurisdiction implementing a
23 plan under this chapter must provide at least two written notices of
24 noncompliance with the requirements of this section to the owner or
25 operator of a business subject to the requirements of this section.

26 (2)(a)(i) Beginning January 1, 2024, a business that generates at
27 least eight cubic yards of organic material waste per week must
28 arrange for organic materials management services specifically for
29 organic material waste;

30 (ii) Beginning January 1, 2025, a business that generates at
31 least four cubic yards of organic material waste per week must
32 arrange for organic materials management services specifically for
33 organic material waste; and

34 (iii) Beginning January 1, 2026, a business that generates at
35 least 96 gallons of organic material waste per week shall arrange for
36 organic materials management services specifically for organic
37 material waste, unless the department determines, by rule, that
38 additional reductions in the landfilling of organic materials would
39 be more appropriately and effectively achieved, at reasonable cost to
40 regulated businesses, through the establishment of a different

1 volumetric threshold of organic waste material than the threshold of
2 96 gallons of organic material waste per week.

3 (b) The following wastes do not count for purposes of determining
4 waste volumes in (a) of this subsection:

5 (i) Wastes that are managed on-site by the generating business;

6 (ii) Wastes generated from the growth and harvest of food or
7 fiber that are managed off-site by another business engaged in the
8 growth and harvest of food or fiber;

9 (iii) Wastes that are managed by a business that enters into a
10 voluntary agreement to sell or donate organic materials to another
11 business for off-site use;

12 (iv) Wastes generated in exceptional volumes as a result of a
13 natural disaster or other infrequent and unpreventable event; and

14 (v) Wastes generated as a result of a food safety event, such as
15 a product recall, that is due to foreign material or adverse
16 biological activity that requires landfill destruction rather than
17 organic material management.

18 (3) A business may fulfill the requirements of this section by:

19 (a) Source separating organic material waste from other waste,
20 subscribing to a service that includes organic material waste
21 collection and organic materials management, and using such a service
22 for organic material waste generated by the business;

23 (b) Managing its organic material waste on-site or self-hauling
24 its own organic material waste for organic materials management;

25 (c) Qualifying for exclusion from the requirements of this
26 section consistent with subsection (1)(b) of this section; or

27 (d) For a business engaged in the growth, harvest, or processing
28 of food or fiber, entering into a voluntary agreement to sell or
29 donate organic materials to another business for off-site use.

30 (4)(a) A business generating organic material waste shall arrange
31 for any services required by this section in a manner that is
32 consistent with state and local laws and requirements applicable to
33 the collection, handling, or recycling of solid and organic material
34 waste.

35 (b) Nothing in this section requires a business to dispose of
36 materials in a manner that conflicts with federal or state public
37 health or safety requirements. Nothing in this section requires
38 businesses to dispose of wastes generated in exceptional volumes as a
39 result of a natural disaster or other infrequent and unpreventable
40 event through the options established in subsection (3) of this

1 section. Nothing in this section prohibits a business from disposing
2 of nonfood organic materials that are not commingled with food waste
3 by using the services of an organic materials management facility
4 that does not accept food waste.

5 (5) When arranging for gardening or landscaping services, the
6 contract or work agreement between a business subject to this section
7 and a gardening or landscaping service must require that the organic
8 material waste generated by those services be managed in compliance
9 with this chapter.

10 (6) (a) This section does not limit the authority of a local
11 governmental agency to adopt, implement, or enforce a local organic
12 material waste recycling requirement, or a condition imposed upon a
13 self-hauler, that is more stringent or comprehensive than the
14 requirements of this chapter.

15 (b) This section does not modify, limit, or abrogate in any
16 manner any of the following:

17 (i) A franchise granted or extended by a city, county, city and
18 county, or other local governmental agency;

19 (ii) A contract, license, certificate, or permit to collect solid
20 waste previously granted or extended by a city, county, city and
21 county, or other local governmental agency;

22 (iii) The right of a business to sell or donate its organic
23 materials; and

24 (iv) A certificate of convenience and necessity issued to a solid
25 waste collection company under chapter 81.77 RCW.

26 (c) Nothing in this section modifies, limits, or abrogates the
27 authority of a local jurisdiction with respect to land use, zoning,
28 or facility siting decisions by or within that local jurisdiction.

29 (d) Nothing in this section changes or limits the authority of
30 the Washington utilities and transportation commission to regulate
31 collection of solid waste, including curbside collection of
32 residential recyclable materials, nor does this section change or
33 limit the authority of a city or town to provide the service itself
34 or by contract under RCW 81.77.020.

35 (7) (a) The department must create and publish on its website:

36 (i) The methodology used to determine the businesses that are
37 required to manage organic materials in a manner consistent with the
38 requirements of this section; and

39 (ii) A list of businesses that are likely to be required to
40 manage organic materials in a manner consistent with the requirements

1 of this section. This list is for purposes of outreach assistance but
2 need not represent a complete or determinative list of businesses
3 required to comply with the requirements of this section.

4 (b) The department may hire an independent third party to support
5 the implementation of the responsibilities described in (a) of this
6 subsection.

7 (c) The list created and published under (a) of this subsection
8 must be designed in a manner that facilitates:

9 (i) Education and outreach by solid waste collection companies,
10 jurisdictional health departments, and local governments; and

11 (ii) Enforcement by jurisdictional health departments and
12 jurisdictions implementing a plan under this chapter.

13 (d)(i) In support of the creation of this list, the department
14 may require a solid waste collection company to furnish information
15 that will assist the department in determining the applicability of
16 the requirements of this section to businesses that are currently
17 receiving collection services for organic materials management from
18 the solid waste collection company.

19 (ii) A solid waste collection company that submits information or
20 records to the department under this section may request that the
21 information or records be made available only for the confidential
22 use of the department, the director, or the appropriate division of
23 the department. The director shall give consideration to the request
24 and if this action is not detrimental to the public interest and is
25 otherwise within accord with the policies and purposes of chapter
26 43.21A RCW, the director must grant the request for the information
27 to remain confidential as authorized in RCW 43.21A.160.

28 (8)(a) Prior to imposing a civil penalty under (b) of this
29 subsection when a business has been determined to be in violation of
30 the requirements of this section, a jurisdictional health department
31 or jurisdiction implementing a plan under this chapter must issue at
32 least:

33 (i) One notification letter to a business informing them of the
34 requirements of this chapter by certified mail; and

35 (ii) One notice of violation by certified mail subsequent to the
36 notification letter in (a)(i) of this subsection.

37 (b) After being issued at least the notification letter and at
38 least one notice of violation without the imposition of a penalty
39 under (a) of this subsection, a business in violation of the
40 requirements of this section is subject to a minimum civil penalty,

1 imposed by a jurisdiction implementing a plan under this chapter or a
2 jurisdictional health department, in an amount of:

3 (i) \$500 for each day of violation for a first violation by a
4 business that results in a penalty under this section;

5 (ii) \$750 for each day of violation for a second violation by a
6 business that results in a penalty under this section;

7 (iii) \$1,000 for each day of violation for a third or subsequent
8 violation by a business that results in a penalty under this section.

9 (c) Except as provided in (d) of this subsection, a
10 jurisdictional health department or jurisdiction enforcing the
11 requirements of this section may adopt civil penalties that exceed
12 the minimum penalties specified in (b) of this subsection.

13 (d) A small business, as defined in RCW 19.85.020, may not be
14 assessed more than \$10,000 in penalties under this section in a
15 single calendar year.

16 (e) The department may not impose a penalty on a solid waste
17 collection company related to their obligation to disclose
18 information to the department under subsection (7)(d) of this
19 section.

20 (f) A penalty imposed under this section may be appealed to the
21 pollution control hearings board created in chapter 43.21B RCW.

22 (9) The definitions in this subsection apply throughout this
23 section unless the context clearly indicates otherwise.

24 (a) (i) "Business" means a commercial or public entity including,
25 but not limited to, a firm, partnership, proprietorship, joint stock
26 company, corporation, or association that is organized as a for-
27 profit or nonprofit entity.

28 (ii) "Business" does not include a multifamily residential
29 entity.

30 (b) "Food waste" has the same meaning as defined in RCW
31 70A.205.715.

32 **SCHOOL FOOD WASTE I**

33 NEW SECTION. Sec. 9. A new section is added to chapter 28A.235
34 RCW to read as follows:

35 (1) The office of the superintendent of public instruction shall
36 identify or develop open educational resources for use by schools to
37 integrate mathematics, science, social-emotional, environmental and

1 sustainability, and social studies content standards to help support
2 and prioritize food waste reduction in schools.

3 (2) (a) Subject to appropriations, the office of the
4 superintendent of public instruction must provide grants to support
5 food waste reduction efforts. Grant funding may be used for
6 installation and maintenance of food waste reduction infrastructure
7 and food waste reduction educational resources. Infrastructure may
8 include, but is not limited to, food processing and preservation
9 equipment, dishwasher, refrigerator, oven, range, coolers, and milk
10 dispensers, and electrical upgrades for food waste prevention
11 equipment. Food waste reduction educational resources may include,
12 but are not limited to, education and staff professional learning,
13 student green team support, and contracted implementation support.

14 (b) Grants must prioritize applications that demonstrate both
15 anticipated food waste reductions and reduced expenditures on food or
16 associated packaging or service ware.

17 **SCHOOL FOOD WASTE II**

18 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.235
19 RCW to read as follows:

20 By January 1, 2027, the office of the superintendent of public
21 instruction must leverage existing programs to identify food waste
22 reduction educational best practices and ways to overcome food waste
23 reduction barriers in schools.

24 **SCHOOL FOOD WASTE III**

25 **Sec. 11.** RCW 15.64.060 and 2015 c 225 s 9 are each amended to
26 read as follows:

27 (1) A farm-to-school program is created within the department to
28 facilitate increased procurement of Washington grown food by schools.

29 (2) The department, in consultation with the department of
30 health, the office of the superintendent of public instruction, the
31 department of enterprise services, and Washington State University,
32 shall, in order of priority:

33 (a) Identify and develop policies and procedures to implement and
34 evaluate the farm-to-school program, including coordinating with
35 school procurement officials, buying cooperatives, and other
36 appropriate organizations to develop uniform procurement procedures

1 and materials, and practical recommendations to facilitate the
2 purchase of Washington grown food by the common schools. These
3 policies, procedures, and recommendations shall be made available to
4 school districts to adopt at their discretion;

5 (b) Assist food producers, distributors, and food brokers to
6 market Washington grown food to schools by informing them of food
7 procurement opportunities, bid procedures, school purchasing
8 criteria, and other requirements;

9 (c) Assist schools in connecting with local producers by
10 informing them of the sources and availability of Washington grown
11 food, including food that might be going to waste including, but not
12 limited to, grade B produce, as allowed by federal regulations and
13 local requirements, as well as the nutritional, environmental, and
14 economic benefits of purchasing Washington grown food;

15 (d) Identify and recommend mechanisms that will increase the
16 predictability of sales for producers and the adequacy of supply for
17 purchasers;

18 (e) Identify and make available existing curricula, programs and
19 publications that educate students on the nutritional, environmental,
20 and economic benefits of preparing and consuming locally grown food;

21 (f) Support efforts to advance other farm-to-school connections
22 such as school gardens or farms and farm visits; and

23 (g) As resources allow, seek additional funds to leverage state
24 expenditures.

25 (3) The department in cooperation with the office of the
26 superintendent of public instruction shall collect data on the
27 activities conducted pursuant to chapter 215, Laws of 2008 and
28 communicate such data biennially to the appropriate committees of the
29 legislature beginning November 15, 2009. Data collected may include
30 the numbers of schools and farms participating and any increases in
31 the procurement of Washington grown food by the common schools.

32 (4) As used in this section, RCW 28A.335.190, and 28A.235.170,
33 "Washington grown" means grown and packed or processed in Washington.

34 **SCHOOL FOOD WASTE IV**

35 **Sec. 12.** RCW 28A.235.180 and 2018 c 8 s 8 are each amended to
36 read as follows:

37 (1) Subject to the availability of amounts appropriated for this
38 specific purpose, the office of the superintendent of public

1 instruction may coordinate with the department of agriculture to
2 promote and facilitate new and existing regional markets programs,
3 including farm-to-school initiatives established in accordance with
4 RCW 15.64.060, and small farm direct marketing assistance in
5 accordance with RCW 15.64.050. In coordinating with the department of
6 agriculture, the office of the superintendent of public instruction
7 is encouraged to provide technical assistance, including outreach and
8 best practices strategies, to school districts with farm-to-school
9 initiatives.

10 (2) Subject to the availability of amounts appropriated for this
11 specific purpose, the regional markets programs of the department of
12 agriculture must be a centralized connection point for schools and
13 other institutions for accessing and sharing information, tools,
14 ideas, and best practices for purchasing Washington-grown food.

15 (a) In accordance with this subsection (2), program staff from
16 the department of agriculture may provide:

17 (i) Scale-appropriate information and resources to farms to help
18 them respond to the growing demand for local and direct marketed
19 products; and

20 (ii) Targeted technical assistance to farmers, food businesses,
21 and buyers, including schools, about business planning, access to
22 markets, product development, distribution infrastructure, and
23 sourcing, procuring, and promoting Washington-grown foods, including
24 food that might be going to waste.

25 (b) In accordance with this subsection (2), program staff from
26 the department of agriculture may provide technical assistance to:

27 (i) Support new and existing farm businesses;

28 (ii) Maintain the economic viability of farms;

29 (iii) Support compliance with applicable federal, state, and
30 local requirements; and

31 (iv) Support access and preparation efforts for competing in
32 markets that are a good fit for their scale and products, including
33 schools and public institutions, and direct-to-consumer markets that
34 include, but are not limited to, farmers markets, local retailers,
35 restaurants, value-added product developments, and agritourism
36 opportunities.

37 (3) Subject to the availability of amounts appropriated for this
38 specific purpose, the regional markets programs of the department of
39 agriculture may support school districts in establishing or expanding
40 farm-to-school initiatives by providing information and guidance to

1 overcome barriers to purchasing Washington-grown food, including food
2 that might be going to waste. In accordance with this subsection (3),
3 regional markets program activities may include, but are not limited
4 to:

5 (a) Connecting schools and other institutions with farmers and
6 distribution chains;

7 (b) Overcoming seasonality constraints;

8 (c) Providing budgeting assistance;

9 (d) Navigating procurement requirements; (~~and~~)

10 (e) Reducing food waste through the purchase of Washington-grown
11 food, consistent with the goals of RCW 70A.205.007 and 70A.205.715;
12 and

13 (f) Developing educational materials that can be used in
14 cafeterias, classrooms, and in other educational environments.

15 (4) Subject to the availability of amounts appropriated for this
16 specific purpose, school districts and other institutions may
17 coordinate with the department of agriculture to promote and
18 facilitate new and existing farm-to-school initiatives. School
19 district representatives involved in these initiatives may include,
20 but (~~are~~) are not limited to, school nutrition staff, purchasing
21 staff, student representatives, and parent organizations.

22 (5) Subject to the availability of amounts appropriated for this
23 specific purpose, the office of the superintendent of public
24 instruction may award grants to school districts to collaborate with
25 community-based organizations, food banks, and farms or gardens for
26 reducing high school dropout occurrences through farm engagement
27 projects. Projects established by school districts that receive
28 grants in accordance with this section must:

29 (a) Primarily target low-income and disengaged youth who have
30 dropped out or who are at risk of dropping out of high school; and

31 (b) Provide participating youth with opportunities for:

32 (i) Performing community service, including, but not limited to,
33 building food gardens for low-income families, and work-based
34 learning and employment during the school year and summer through
35 farm or garden programs;

36 (ii) Earning core and elective credits applied toward high school
37 graduation, including but not limited to, science, health, and career
38 and technical education credits;

1 (iii) Receiving development support and services, including
2 social and emotional learning, counseling, leadership training, and
3 career and college guidance; and

4 (iv) Improving food security for themselves and their community
5 through the project.

6 **COMPOSTABLE PRODUCT LABELING**

7 NEW SECTION. **Sec. 13.** A new section is added to chapter 70A.455
8 RCW to read as follows:

9 The department may grant exemptions to on-product marking
10 requirements under this chapter, including the logo, coloring, and
11 wording requirements of RCW 70A.455.040(2)(b), for paper-based sheets
12 that are intended for use in the cooking process. The exemption
13 process under this section must not exempt such products from
14 requirements of this chapter other than marking requirements.
15 Labeling consistent with the requirements of RCW 70A.455.020(2)(b)
16 must be included on the packaging for any paper-based sheets that are
17 exempted under this section. An exemption applicant that demonstrates
18 to the department that it is not feasible, safe, or otherwise
19 consistent with the goals of this chapter to comply with the product
20 marking requirements must be granted an exemption under this section.

21 **Sec. 14.** RCW 43.21B.110 and 2024 c 347 s 5, 2024 c 340 s 4, and
22 2024 c 339 s 16 are each reenacted and amended to read as follows:

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

30 (a) Civil penalties imposed pursuant to chapter 70A.230 RCW and
31 RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.230.020,
32 70A.205.280, 70A.205.545, 70A.355.070, 70A.430.070, 70A.500.260,
33 70A.505.100, 70A.505.110, 70A.530.040, 70A.350.070, 70A.515.060,
34 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130,
35 70A.245.140, 70A.65.200, 70A.455.090, 70A.550.030, 70A.555.110,
36 70A.560.020, 70A.565.030, 76.09.170, 77.55.440, 78.44.250, 88.46.090,
37 90.03.600, 90.46.270, 90.48.144, 90.56.310, 90.56.330, and 90.64.102.

1 (b) Orders issued pursuant to RCW 18.104.043, 18.104.060,
2 18.104.130, 43.27A.190, 70A.15.2520, 70A.15.3010, 70A.15.4530,
3 70A.15.6010, 70A.205.280, 70A.214.140, 70A.300.120, 70A.350.070,
4 70A.245.020, 70A.65.200, 70A.505.100, 70A.555.110, 70A.560.020,
5 70A.565.030, 86.16.020, 88.46.070, 90.03.665, 90.14.130, 90.46.250,
6 90.48.120, 90.48.240, 90.56.330, and 90.64.040.

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

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

21 (e) Decisions of local health departments regarding the issuance
22 and enforcement of permits to use or dispose of biosolids under RCW
23 70A.226.090.

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

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

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

36 (i) Decisions of the department of natural resources, the
37 department of fish and wildlife, and the department that are
38 reviewable under chapter 76.09 RCW, and the department of natural
39 resources' appeals of county, city, or town objections under RCW
40 76.09.050(7).

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

3 (k) Decisions of the department of fish and wildlife to issue,
4 deny, condition, or modify a hydraulic project approval permit under
5 chapter 77.55 RCW, to issue a stop work order, to issue a notice to
6 comply, to issue a civil penalty, or to issue a notice of intent to
7 disapprove applications.

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

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

14 (n) Decisions of the department of ecology that are appealable
15 under RCW 70A.245.020 to set recycled minimum postconsumer content
16 for covered products or to temporarily exclude types of covered
17 products in plastic containers from minimum postconsumer recycled
18 content requirements.

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

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

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

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

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

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

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

36 NEW SECTION. **Sec. 15.** 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** ---