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HOUSE BILL 2301

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State of Washington

69th Legislature

2026 Regular Session

By Representatives Peterson, Fitzgibbon, Reed, Parshley, Duerr, Doglio, Gregerson, Ormsby, Goodman, and Macri

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1 AN ACT Relating to extended producer responsibility requirements  
2 associated with paint; and amending RCW 70A.515.020, 70A.515.030,  
3 70A.515.040, 70A.515.010, 70A.515.050, 70A.515.060, 70A.515.070,  
4 70A.515.080, 70A.515.090, 70A.515.100, 70A.515.110, and 70A.208.020.

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

6 **Sec. 1.** RCW 70A.515.020 and 2020 c 20 s 1458 are each amended to  
7 read as follows:

8 The definitions in this section apply throughout this chapter  
9 unless the content clearly requires otherwise.

10 (1) "Aerosol coating product" means a pressurized coating product  
11 containing pigments or resins dispensed by means of a propellant and  
12 packaged and sold in a disposable aerosol container for handheld  
13 application, or for use in specialized equipment for ground traffic  
14 or marking applications.

15 (2)(a) "Architectural paint" (~~or "paint"~~) means interior and  
16 exterior architectural coatings, sold in a container of five gallons  
17 or less.

18 (b) "Architectural paint" (~~or "paint"~~) does not mean industrial  
19 coatings, original equipment coatings, or specialty coatings.

20 (~~(2) "Architectural paint stewardship assessment" or~~  
21 ~~"assessment" means the amount determined by a stewardship~~

1 organization that must be added to the purchase price of  
2 architectural paint sold in this state to cover a stewardship  
3 organization's costs of administration, education and outreach,  
4 collecting, transporting, and processing of the leftover  
5 architectural paint managed through a statewide architectural paint  
6 stewardship program.))

7 (3) (a) "Coating-related product" means a product used as a paint  
8 thinner, paint colorant, paint additive, paint remover, sealant,  
9 surface preparation, or surface adhesive, sold for home improvement  
10 in a container of five gallons or less for commercial and homeowner  
11 use.

12 (b) "Coating-related product" does not mean industrial products  
13 or original equipment products.

14 (4) "Conditionally exempt small quantity generator" means a  
15 dangerous waste generator whose dangerous wastes are not subject to  
16 regulation under chapter 70A.300 RCW, hazardous waste management,  
17 solely because the waste is generated or accumulated in quantities  
18 below the threshold for regulation and meets the conditions  
19 prescribed in WAC 173-303-171(1), as it existed on July 28, 2019.

20 ((4)) (5) "Conditionally exempt small quantity generator waste"  
21 means dangerous waste generated by a conditionally exempt small  
22 quantity generator.

23 ((5)) (6) "Consumer" includes any household, nonprofit, small  
24 business, or other entity whose leftover paint product is eligible  
25 under applicable laws and regulations.

26 ((6)) (7) "Covered entity" means any: (a) Household; (b)  
27 conditionally exempt small quantity generator of leftover ~~((oil-based~~  
28 ~~and latex architectural))~~ paint products; or (c) generator of  
29 dangerous waste as defined in RCW 70A.300.010 that brings leftover  
30 ~~((architectural))~~ latex paint to a paint program collection site  
31 operating under an approved Washington state paint stewardship plan.

32 ((7)) (8) "Curbside service" means a waste collection,  
33 recycling, and disposal service providing pickup of leftover  
34 ~~((architectural))~~ paint products from residential sources, such as  
35 single-family households and multifamily housing, or other covered  
36 entities in quantities generated from households or conditionally  
37 exempt small quantity generators, provided by a solid waste  
38 collection company regulated under chapter 81.77 RCW or under a  
39 contract for solid waste services with any city or town.

40 ((8)) (9) "Department" means the department of ecology.

1       (~~(9)~~) (10) "Distributor" means a person that has a contractual  
2 relationship with one or more manufacturers to market and sell  
3 (~~architectural~~) paint products to retailers in Washington.

4       (~~(10)~~) (11) "End-of-life" or "end-of-life management" means  
5 activities including, but not limited to, collection, transportation,  
6 reuse, recycling, energy recovery, and disposal for leftover  
7 (~~architectural~~) paint products.

8       (~~(11)~~) (12) "Energy recovery" means the recovery of energy in a  
9 useable form from mass burning or refuse-derived fuel incineration,  
10 pyrolysis, or any other means of using the heat of combustion of  
11 solid waste that involves high temperature (above (~~twelve hundred~~)  
12 1,200 degrees Fahrenheit) processing.

13       (~~(12)~~) (13) "Environmentally sound management practices" means  
14 practices that comply with all applicable laws and rules to protect  
15 workers, public health, and the environment, provide for adequate  
16 recordkeeping, tracking and documenting the fate of materials within  
17 the state and beyond, and include environmental liability coverage  
18 for the stewardship organization.

19       (~~(13)~~) (14) "Final disposition" means the point beyond which no  
20 further processing takes place and the paint product has been  
21 transformed for direct use as a feedstock in producing new products  
22 or is disposed of, including for energy recovery, in permitted  
23 facilities.

24       (~~(14)~~) (15) "Household hazardous waste" means waste that  
25 exhibits any of the properties of dangerous waste that is exempt from  
26 regulation under chapter 70A.300 RCW solely because the waste is  
27 generated by households. Household hazardous waste may also include  
28 other solid waste identified in the local hazardous waste management  
29 plan prepared pursuant to chapter 70A.300 RCW.

30       (~~(15)~~) (16) "Leftover paint" or "leftover (~~architectural~~)  
31 paint products" means (~~architectural~~) paint products not used and  
32 no longer wanted by a consumer.

33       (~~(16)~~) (17) "Moderate risk waste" means solid waste that is  
34 limited to conditionally exempt small quantity generator waste and  
35 household hazardous waste as defined in this chapter.

36       (~~(17)~~) (18)(a) "Nonindustrial coating" means arts and crafts  
37 paint, automotive refinish paint, driveway sealer, faux finish or  
38 glaze, furniture oil, furniture paint, lime wash, lime paint, marine  
39 paint, antifouling paint, road and traffic marking paint, two-  
40 component paint, wood preservative, fire retardant paint, dry fog

1 paint, chalkboard paint, and conductive paint, sold in a container of  
2 five gallons or less for commercial and homeowner use.

3 (b) "Nonindustrial coating" does not mean industrial coatings or  
4 original equipment coatings.

5 (19)(a) "Paint product" or "paint" means, except as provided in  
6 (b) of this subsection:

7 (i) Aerosol coating products;

8 (ii) Architectural paint;

9 (iii) Coating-related products; and

10 (iv) Nonindustrial coatings.

11 (b) "Paint product" does not include a health and beauty product.

12 (20) "Paint product stewardship assessment" or "assessment" means  
13 the amount determined by a stewardship organization that must be  
14 added to the purchase price of paint products sold in this state to  
15 cover a stewardship organization's costs of administration, education  
16 and outreach, collecting, transporting, and processing of the  
17 leftover paint products managed through a statewide paint product  
18 stewardship program.

19 (21) "Paint retailer" means any person that offers architectural  
20 paint for sale at retail in Washington.

21 ~~((18))~~ (22) "Person" includes any individual, business,  
22 manufacturer, transporter, collector, processor, retailer, charity,  
23 nonprofit organization, or government agency.

24 ~~((19))~~ (23) "Producer" means a manufacturer of  
25 ~~((architectural))~~ paint products that ~~((is))~~ are sold, offered for  
26 sale, or distributed in Washington under the producer's own name or  
27 other brand name.

28 ~~((20))~~ (24) "Recycling" means transforming or remanufacturing  
29 waste materials into usable or marketable materials for use other  
30 than landfill disposal, energy recovery, or incineration. Recycling  
31 does not include collection, compacting, repacking, and sorting for  
32 the purpose of transport.

33 ~~((21))~~ (25) "Reuse" means any operation by which ~~((an~~  
34 ~~architectural))~~ a paint product changes ownership and is used for the  
35 same purpose for which it was originally purchased.

36 ~~((22))~~ (26) "Sell" or "sale" means any transfer of title for  
37 consideration, including remote sales conducted through sales  
38 outlets, catalogues, or the internet or any other similar electronic  
39 means.

1           ~~((23))~~ (27) "Stewardship organization" means a nonprofit  
2 organization created by a producer or group of producers to implement  
3 a paint stewardship program required under this chapter.

4           ~~((24) "Urban cluster" means areas of population density of two  
5 thousand five hundred to fifty thousand, as defined by the United  
6 States census bureau.~~

7           ~~(25) "Urbanized area" means areas of high population density with  
8 populations of fifty thousand or greater, as defined by the United  
9 States census bureau)~~ (28) "Urban area" means an area delineated by  
10 the United States census bureau, based on a minimum threshold of  
11 2,000 housing units or 5,000 people, as of January 1, 2026.

12           **Sec. 2.** RCW 70A.515.030 and 2019 c 344 s 3 are each amended to  
13 read as follows:

14           (1) All producers of ~~((architectural))~~ paint products selling in  
15 or into the state of Washington shall participate in an approved  
16 Washington state paint stewardship plan for covered entities through  
17 membership in and appropriate funding of a stewardship organization.

18           (2) Producers not participating in a stewardship plan may not  
19 sell ~~((architectural))~~ paint products in or into Washington state.

20           (3) Paint retailers are prohibited from selling ~~((architectural))~~  
21 paint products manufactured or distributed by a producer not in  
22 compliance with this chapter.

23           **Sec. 3.** RCW 70A.515.040 and 2020 c 20 s 1459 are each amended to  
24 read as follows:

25           (1) A stewardship organization representing producers shall  
26 submit a plan for the implementation of a paint product stewardship  
27 program to the department for approval by May 30, 2020, or within one  
28 year of July 28, 2019, whichever comes later. Each paint product  
29 stewardship organization must update its plan to address all paint  
30 products by July 1, 2027. The plan must include the following  
31 components:

32           (a) A description of how the program proposed under the plan will  
33 collect, transport, recycle, and process leftover paint from covered  
34 entities for end-of-life management, including reuse, recycling,  
35 energy recovery, and disposal, using environmentally sound management  
36 practices;

37           (b) Stewardship organization contact information and a list of  
38 participating brands and producers under the program;

1 (c) A demonstration of sufficient funding for the  
2 (~~architectural~~) paint product stewardship program as described in  
3 the plan. The plan must include a funding mechanism whereby each  
4 (~~architectural~~) paint product producer remits to the stewardship  
5 organization payment of (~~an architectural~~) a paint product  
6 stewardship assessment for each container of (~~architectural~~) paint  
7 product the producer sells in this state, unless the distributor or  
8 paint retailer has negotiated a voluntary agreement with the producer  
9 and stewardship organization to remit the (~~architectural—paint~~  
10 ~~stewardship~~) assessment directly to the stewardship organization on  
11 behalf of the producer for the producer's (~~architectural~~) paint  
12 products sold by the distributor or paint retailer in the state. The  
13 plan must include a proposed budget and a description of the process  
14 used to determine the (~~architectural~~) paint product stewardship  
15 assessment. The (~~architectural~~) paint product stewardship  
16 assessment must be added to the cost of all (~~architectural~~) paint  
17 products sold to Washington paint retailers and distributors, unless  
18 the distributor or paint retailer has negotiated an agreement  
19 voluntarily with the producer and stewardship organization to remit  
20 the assessment directly to the stewardship organization on behalf of  
21 the producer for the producer's (~~architectural~~) paint products sold  
22 by the distributor or paint retailer in the state. Each Washington  
23 paint retailer or distributor must add the assessment to the purchase  
24 price of all (~~architectural~~) paint products sold in this state.  
25 Manufacturers may not require retailers to opt to participate in a  
26 voluntary remittance agreement;

27 (d) The establishment in the plan of a uniform (~~architectural~~)  
28 paint product stewardship assessment for all (~~architectural~~) paint  
29 products sold in this state, in order to ensure that the funding  
30 mechanism is equitable and sustainable. For purposes of establishing  
31 the assessment, the plan must categorize the product types and sizes  
32 of (~~paint~~) containers sold at retail and determine a uniform  
33 assessment amount that applies to each (~~category of~~) product type  
34 and container size to cover the paint product categories specified in  
35 RCW 70A.515.020(19)(a)(i) through (iv). The (~~architectural~~) paint  
36 product stewardship assessment must be sufficient to recover the  
37 costs of the (~~architectural~~) paint product stewardship program.  
38 With the exception of the annual administration costs paid to the  
39 department under RCW 70A.515.060(4), the department may not control  
40 or have spending authority related to the funds received by the

1 stewardship organization from the assessment. Funds received by the  
2 stewardship organization are not state funds and are not eligible to  
3 be transferred for other state purposes in an appropriations act. The  
4 plan must require that any surplus funds generated from the funding  
5 mechanism that exceed a reserve greater than the most recent year's  
6 operating expenditures be put back into the program to either  
7 increase and improve program services or reduce the cost of the  
8 program and the ((~~architectural~~)) paint product stewardship  
9 assessment, or both;

10 (e) A review by an independent financial auditor of the proposed  
11 ((~~architectural~~)) paint product stewardship assessment to ensure that  
12 any added cost to paint sold in the state as a result of the paint  
13 product stewardship program does not exceed the costs of the program.  
14 In a report to the department, the independent auditor must verify  
15 that the amount added to each unit of paint will cover the costs of  
16 the paint product stewardship program;

17 (f) Assignment to the department of responsibility for the  
18 approval of the ((~~architectural~~)) paint product stewardship  
19 assessment based on the information provided in the plan and the  
20 auditor's report;

21 (g) A description of the educational outreach strategy to reduce  
22 the generation of leftover paint, to promote the reuse and recycling  
23 of leftover paint, for the overall collection of leftover paint, and  
24 for the proper end-of-life management of leftover paint. The  
25 strategies may be revised by a stewardship organization based on the  
26 information collected annually;

27 (h) A description of the reasonably convenient and available  
28 statewide collection system, including:

29 (i) A description of how the program will provide for reasonably  
30 convenient and available statewide collection of leftover paint  
31 products from covered entities in urban and rural areas of the state,  
32 including island communities;

33 (ii) A description of how the program will incorporate existing  
34 public and private waste collection services and facilities for  
35 activities, which may include, but is not limited to:

36 (A) The reuse or processing of leftover architectural paint at  
37 the permanent collection site; and

38 (B) The collection, transportation, and recycling or proper  
39 disposal of leftover architectural paint; and

1 (iii) A description of how the program will use the existing  
2 household hazardous waste collection infrastructure when selecting  
3 collection points for leftover paint products;

4 (i) A description of how leftover paint products will be managed  
5 using environmentally sound management practices, including  
6 reasonably following the paint waste management hierarchy of: Source  
7 reduction; reuse; recycling; energy recovery; and disposal;

8 (j) A description of education and outreach efforts to promote  
9 the paint product stewardship program. The education and outreach  
10 efforts must include strategies for reaching all sectors of the  
11 population and describe how the paint product stewardship program  
12 will evaluate the effectiveness of its education and outreach;

13 (k) A description of collection site procedural manuals for  
14 ~~((architectural))~~ paint products, including training procedures and  
15 electronic copies of materials that will be provided to collection  
16 sites; and

17 (l) A list of transporters that will be used to manage leftover  
18 paint collected by the stewardship organization and a list of  
19 potential processors to be used for final disposition.

20 (2) (a) To ensure adequate collection coverage, the plan must use  
21 geographic information modeling and the information required under  
22 subsection (1) (h) of this section to determine the number and  
23 distribution of collection sites based on the following criteria: At  
24 least ~~((ninety))~~ 90 percent of Washington residents must have a  
25 permanent collection site for architectural paint within a  
26 ~~((fifteen))~~ 15-mile radius; and unless otherwise approved by the  
27 department, one additional permanent collection site for  
28 architectural paint must be established for every ~~((thirty thousand))~~  
29 50,000 residents of an urban~~((ized))~~ area and for every urban  
30 ~~((cluster))~~ area of at least ~~((thirty thousand))~~ 30,000 residents  
31 ~~((distributed to provide convenient and reasonably equitable access~~  
32 ~~for residents within each))~~. For the purposes of compliance with this  
33 subsection (2) (a), a stewardship organization and the department may  
34 rely upon new or updated designations of urban locations by the  
35 United States census bureau that are determined by the department to  
36 be similar to the definition of urban areas in RCW 70A.515.020.

37 (b) For the portion of the population that does not have a  
38 permanent collection location for architectural paint within a  
39 ~~((fifteen))~~ 15-mile radius, the plan must provide residents a  
40 reasonable opportunity to drop off leftover architectural paint at

1 collection events. The stewardship organization, in consultation with  
2 the department and the local community, will determine a reasonable  
3 frequency and location of these collection events, to be held in  
4 underserved areas. Special consideration is to be made for providing  
5 opportunities to island and geographically isolated populations.

6 (3)(a) Nothing in subsection (2) of this section prohibits a  
7 program plan from identifying an available curbside service for a  
8 specific area or population that provides convenient and reasonably  
9 equitable access for Washington residents that is at least equivalent  
10 to the level of convenience and access that would be provided by a  
11 collection site.

12 (b) A fee may not be charged at the time the unwanted paint  
13 ~~((is))~~ products are delivered or collected for management. However,  
14 this subsection (3)(b) does not prohibit collectors providing  
15 curbside services from charging customers a fee, as provided by city  
16 contract or by the Washington utilities and transportation commission  
17 under the authority of chapter 81.77 RCW, for the additional  
18 collection cost of providing this service.

19 (4) The program plan must utilize the existing public and private  
20 waste collection services and facilities where cost-effective and  
21 mutually agreeable.

22 ~~((The program must utilize existing paint retail stores as  
23 collection sites where cost-effective and mutually agreeable.~~

24 ~~(6))~~ The plan must provide the collection site name and location  
25 of each site statewide in Washington accepting ~~((architectural))~~  
26 paint products under the program, and the categories of paint  
27 products specified in RCW 70A.515.020(19)(a)(i) through (iv)  
28 accepted at such locations.

29 ~~((7))~~ (6) A stewardship organization shall promote a paint  
30 product stewardship program and provide consumers, covered entities,  
31 and paint retailers with educational and informational materials  
32 describing collection opportunities for leftover paint statewide, the  
33 ~~((architectural))~~ paint product stewardship assessment used to  
34 finance the program, and promotion of waste prevention, reuse, and  
35 recycling. These materials may include, but are not limited to, the  
36 following:

37 (a) Signage that is prominently displayed and easily visible to  
38 the consumer;

1 (b) Written materials and templates of materials for reproduction  
2 by paint retailers to be provided to the consumer at the time of  
3 purchase or delivery, or both;

4 (c) Advertising or other promotional materials, or both, that  
5 include references to the ((~~architectural~~)) paint product stewardship  
6 program; and

7 (d) An explanation that the ((~~architectural~~)) paint product  
8 stewardship assessment has been added to the purchase price of  
9 ((~~architectural~~)) paint products to fund the paint product  
10 stewardship program in the state. The ((~~architectural~~)) paint product  
11 stewardship assessment may not be described as a department recycling  
12 fee at the point of retail.

13 ((~~8~~)) (7) A stewardship organization must submit a new plan or  
14 plan amendment to the department for approval when there is a change  
15 to the amount of the assessment, if required by the department, or  
16 every five years, if the department deems it necessary.

17 **Sec. 4.** RCW 70A.515.010 and 2019 c 344 s 1 are each amended to  
18 read as follows:

19 The legislature finds that:

20 (1) Leftover ((~~architectural paints~~)) paint products are a waste  
21 management issue and present environmental risks and health and  
22 safety risks, especially to workers in the solid waste industry.  
23 During waste collection and processing, wet paint can create spills  
24 and splashes and oil paint containers may rupture, releasing fumes  
25 hazardous to workers and the remaining liquids may contribute to  
26 leachate problems in landfills. Some local governments are able to  
27 devote resources to provide collection sites or events for latex  
28 paint in order to provide their residents with at least some disposal  
29 options and to keep latex paint out of the solid waste stream. But  
30 residents and small businesses need additional and more convenient  
31 options for disposal of ((~~architectural~~)) paint products. Drying  
32 latex for disposal is difficult for many residents and is wasteful of  
33 latex paint that can otherwise be reused or recycled. Local  
34 government special and moderate-risk waste collection programs are  
35 heavily impacted by the cost of managing unwanted ((~~architectural~~  
36 ~~paints~~)) paint products and these costs decrease the available funds  
37 to address other hazardous and hard-to-handle materials.

38 (2) Nationally, an estimated average of ((~~ten~~)) 10 percent of  
39 architectural paint purchased becomes leftover paint. Current

1 programs only collect a fraction of the potential leftover paint for  
2 proper reuse, recycling, or disposal. There is not a comprehensive  
3 statewide, end-of-life management plan for (~~architectural~~) paint  
4 products, resulting in significant missed opportunities to reduce,  
5 reuse, and recycle paint.

6 (3) (a) It is in the best interest of Washington for paint  
7 manufacturers to assume responsibility for the development and  
8 implementation of a cost-effective paint product stewardship program  
9 that:

10 (i) Develops and implements strategies to reduce the generation  
11 of leftover paint;

12 (ii) Promotes the reuse of leftover paint;

13 (iii) Collects, transports, and processes leftover paint for end-  
14 of-life management, including reuse, recycling, energy recovery, and  
15 disposal; and

16 (iv) Provides for transparency under chapter 42.56 RCW, the  
17 public records act.

18 (b) A paint product stewardship program will follow the paint  
19 waste management hierarchy for managing and reducing leftover paint  
20 in the order as follows:

21 (i) Reduce consumer generation of leftover paint products;

22 (ii) Reuse;

23 (iii) Recycle; and

24 (iv) Provide for energy recovery and disposal.

25 (c) The establishment of a comprehensive leftover paint product  
26 management program that requires paint product manufacturers to  
27 assume responsibility for the collection, recycling, reuse,  
28 transportation, and disposal of leftover paint products, and that  
29 allows paint retailers to voluntarily participate in the collection  
30 of leftover paint products, will provide more opportunities for  
31 consumers to properly manage their leftover paint products, provide  
32 fiscal relief for local government in managing leftover paint  
33 products, keep paint products out of the waste stream, and conserve  
34 natural resources.

35 (4) (~~The legislature further finds that~~) Washington's existing  
36 waste collection, recycling, and disposal system leads the nation in  
37 innovation and environmentally sound practices. This system has  
38 achieved some of the highest overall recycling rates in the nation at  
39 (~~fifty-one~~) 51 percent in 2012. The legislature further finds that  
40 leftover paint products may be a toxic and hard-to-handle waste

1 product that is appropriate for a product stewardship program to  
2 increase the safe, convenient, and effective reuse, recycling, and  
3 disposal of leftover paint. Product stewardship programs for toxic  
4 and hard-to-handle materials, including (~~(an architectural)~~) a paint  
5 product stewardship program, should integrate with and complement the  
6 existing waste collection, recycling, and disposal system.

7 (5) This chapter creates (~~(an architectural)~~) a paint product  
8 stewardship program to be enforced by the department.

9 **Sec. 5.** RCW 70A.515.050 and 2020 c 20 s 1460 are each amended to  
10 read as follows:

11 (1) Each stewardship organization shall submit a paint product  
12 stewardship program plan in accordance with RCW 70A.515.040.

13 (2) Each stewardship organization shall develop and distribute a  
14 collection site procedural manual to collection sites to help ensure  
15 proper management of (~~(architectural paints)~~) paint products at  
16 collection locations.

17 (3) A stewardship organization shall implement the paint product  
18 stewardship program plan by November 30, 2020, or within six months  
19 after approval of a paint product stewardship program plan under RCW  
20 70A.515.040, whichever is later. A stewardship organization shall  
21 implement the updated paint product stewardship program plan  
22 addressing all paint products by July 1, 2028, or within six months  
23 after approval of the updated paint product stewardship program plan  
24 under RCW 70A.515.040, whichever is later.

25 (4) A stewardship organization shall submit an annual report by  
26 October 15, 2020, or a later date agreed to by the department,  
27 structured to be used as a basis for annual plan review by the  
28 department. The report must be based on the requirements outlined in  
29 RCW 70A.515.080.

30 (5) A stewardship organization shall work with producers,  
31 distributors, paint retailers, and local governments to provide  
32 consumers with educational and informational materials describing  
33 collection opportunities for leftover paint statewide and promotion  
34 of waste prevention, reuse, and recycling of leftover paint products.

35 (6) A stewardship organization shall pay an annual administrative  
36 fee, described in RCW 70A.515.060, in an amount sufficient to cover  
37 only the department's cost of administering and enforcing a paint  
38 product stewardship program established under this chapter.

1       **Sec. 6.** RCW 70A.515.060 and 2020 c 20 s 1461 are each amended to  
2 read as follows:

3       (1) The department shall review the plan or updated plan within  
4 (~~one hundred twenty~~) 120 days of receipt, and make a determination  
5 as to whether or not to approve the plan. The department shall  
6 provide a letter of approval for the plan if it provides for the  
7 establishment of a paint product stewardship program that meets the  
8 requirements of RCW 70A.515.040 and 70A.515.050. If a plan is  
9 rejected, the department shall provide the reasons for rejecting the  
10 plan to the stewardship organization. The stewardship organization  
11 must submit a new plan within (~~sixty~~) 60 days after receipt of the  
12 letter of disapproval.

13       (2) When a plan, updated plan, or an amendment to an approved  
14 plan is submitted under this section, the department shall make the  
15 proposed plan, updated plan, or amendment available for public review  
16 and comment for at least (~~thirty~~) 30 days.

17       (3) The department shall provide oversight of a stewardship  
18 organization in the determination and implementation of the  
19 (~~architectural~~) paint product stewardship assessment specified in  
20 RCW 70A.515.040(1).

21       (4) The department shall identify the costs it incurs under this  
22 chapter. The department shall set the fee at an amount that, when  
23 paid by every stewardship organization or producer that submits a  
24 plan, is adequate to reimburse the department's full costs of  
25 administering and enforcing this chapter. The total amount of annual  
26 fees collected under this subsection must not exceed the amount  
27 necessary to reimburse costs incurred by the department to enforce  
28 and administer this chapter.

29       (5) A stewardship organization or producer subject to this  
30 chapter must pay the department's administrative fee under this  
31 subsection on or before June 30, 2020, and annually thereafter. The  
32 annual administrative fee may not exceed five percent of the  
33 aggregate assessment added to the cost of all (~~architectural~~) paint  
34 products sold by producers in the state for the preceding calendar  
35 year.

36       (6) The department shall enforce this chapter.

37       (a) The department may administratively impose a civil penalty on  
38 any person who violates this chapter in an amount of up to (~~one~~  
39 ~~thousand dollars~~) \$1,000 per violation per day.

1 (b) The department may administratively impose a civil penalty of  
2 up to (~~ten thousand dollars~~) \$10,000 per violation per day on any  
3 person who intentionally, knowingly, or negligently violates this  
4 chapter.

5 (c) Any person who incurs a penalty under this section may appeal  
6 the penalty to the pollution control hearings board established by  
7 chapter 43.21B RCW.

8 (7) Upon the date the first plan is approved, the department  
9 shall post on its website a list of producers and their brands for  
10 which the department has approved a plan pursuant to RCW 70A.515.040.  
11 The department shall update the list of producers and brands  
12 participating under an approved program plan on a monthly basis based  
13 on information provided to the department from a stewardship  
14 organization.

15 (8) Upon a demonstration to the satisfaction of the department  
16 that a previously unlisted producer is in compliance with this  
17 chapter, within (~~fourteen~~) 14 days the department must add the name  
18 of the producer to its website.

19 (9) The department shall review each annual report required  
20 pursuant to RCW 70A.515.080 within (~~ninety~~) 90 days of its  
21 submission to ensure compliance with RCW 70A.515.080(1).

22 (10) The department may adopt rules as necessary for the purpose  
23 of implementing, administering, and enforcing this chapter.

24 **Sec. 7.** RCW 70A.515.070 and 2019 c 344 s 7 are each amended to  
25 read as follows:

26 (1) A producer or paint retailer may not sell or offer for sale  
27 to any person in the state (~~architectural~~) paint products unless  
28 the producer or brand of (~~architectural~~) paint products is  
29 participating in an approved stewardship plan under this chapter. A  
30 retailer complies with the requirements of this section if, on the  
31 date the (~~architectural~~) paint product was ordered from the  
32 producer or its agent, the producer of the paint product was listed  
33 on the department's website as a producer participating in an  
34 approved paint product stewardship program plan. (~~However, a~~  
35 ~~retailer may sell any paint purchased prior to July 28, 2019~~) A  
36 retailer may sell any purchased paint products other than  
37 architectural paint prior to July 1, 2028, or six months after  
38 approval of an updated stewardship program plan, whichever comes  
39 later.

1 (2) A distributor or a paint retailer that distributes or sells  
2 (~~architectural~~) paint products shall monitor the department's  
3 website to determine if the sale of a producer's (~~architectural~~)  
4 paint products is in compliance with this chapter.

5 (3) At the time of sale to a consumer, a producer, a stewardship  
6 organization, or a paint retailer selling or offering architectural  
7 paint for sale in Washington shall provide the consumer with  
8 information regarding available end-of-life management options for  
9 leftover architectural paint collected through a paint product  
10 stewardship program.

11 (4) Neither a paint retailer, nor any other retailer, is required  
12 to serve as a leftover paint collection facility.

13 (5) No fee may be charged at the time of delivery of leftover  
14 paint to a collection site.

15 **Sec. 8.** RCW 70A.515.080 and 2020 c 20 s 1462 are each amended to  
16 read as follows:

17 (1) By October 15, 2020, and annually thereafter, a stewardship  
18 organization shall submit to the department a report describing the  
19 paint product stewardship program that the stewardship organization  
20 implemented during the previous fiscal year. The report must include  
21 all of the following:

22 (a) A description of the methods the stewardship organization  
23 used to reduce, reuse, collect, transport, recycle, and process  
24 leftover paint products statewide in Washington;

25 (b) The volume of latex and oil-based architectural paint  
26 collected by the stewardship organization in the preceding fiscal  
27 year in Washington, including any increase in total volume of paint  
28 collected each year, and the cost of the paint product stewardship  
29 program per gallon of paint collected;

30 (c) The volume of latex and oil-based architectural paint  
31 collected by method of disposition, including reuse, recycling,  
32 energy recovery, and disposal;

33 (d) An estimate of the total weight of all architectural paint  
34 containers recycled by the program;

35 (e) A list of all processors through final disposition that are  
36 used to manage leftover architectural paint collected by the  
37 stewardship organization in the preceding year;

38 (f) A list of all the producers participating in the plan;

1 (g) The total volume of architectural paint sold in Washington  
2 during the preceding year based on the (~~architectural~~) paint  
3 product stewardship assessment collected by the stewardship  
4 organization;

5 (h) An independent financial audit of the paint product  
6 stewardship program implemented by the stewardship organization,  
7 including a breakdown of the program's expenses, such as collection,  
8 recycling, education, and overhead;

9 (i) The total cost of implementing the paint product stewardship  
10 program broken out by administrative, collection, transportation and  
11 disposition, and communications costs;

12 (j) An evaluation of the effectiveness of the paint product  
13 stewardship program from year to year, and anticipated steps, if  
14 needed, to improve performance throughout the state; and

15 (k) A summary of outreach and education activities undertaken and  
16 samples of the educational materials that the stewardship  
17 organization provided to consumers of (~~architectural~~) paint  
18 products during the first year of the program and any changes to  
19 those materials in subsequent years.

20 (2) Beginning with the annual report due the year after the  
21 initial inclusion of paint products other than architectural paint  
22 into the program under this chapter, the annual report must also  
23 include the volume of paint products other than architectural paint  
24 collected by the stewardship organization in the preceding fiscal  
25 year in Washington, including any increase in total volume of paint  
26 products collected each year, and the cost of the paint product  
27 stewardship program per unit of paint product collected.

28 (3) The department must make all reports submitted under this  
29 section available to the general public through the internet.  
30 Consistent with RCW 70A.515.130, valuable commercial information  
31 submitted to the department under this chapter is exempt from public  
32 disclosure under RCW 42.56.270. However, the department may use and  
33 disclose such information in summary or aggregated form as long as  
34 the disclosure does not directly or indirectly identify financial,  
35 production, or sales data of an individual producer or stewardship  
36 organization. The department is not required to notify individual  
37 producers prior to making available to the general public the reports  
38 submitted under this section or aggregated or summarized information  
39 from reports submitted under this section.

1       **Sec. 9.** RCW 70A.515.090 and 2020 c 20 s 1463 are each amended to  
2 read as follows:

3       Producers or stewardship organizations acting on behalf of  
4 producers that prepare, submit, and implement a paint product  
5 stewardship program plan pursuant to RCW 70A.515.040 and thereby are  
6 subject to regulation by the department are granted immunity from  
7 state laws relating to antitrust, restraint of trade, unfair trade  
8 practices, and other regulation of trade and commerce, for the  
9 limited purpose of planning, reporting, and operating a paint product  
10 stewardship program and proposing and establishing the  
11 (~~architectural~~) paint product stewardship assessment required in  
12 RCW 70A.515.040(1) (c) and (d).

13       **Sec. 10.** RCW 70A.515.100 and 2019 c 344 s 10 are each amended to  
14 read as follows:

15       The paint product stewardship account is created in the state  
16 treasury. All receipts received by the department from stewardship  
17 organizations must be deposited in the account. Moneys in the account  
18 may be spent only after appropriation. Expenditures from the account  
19 may be used by the department only for administering and enforcing  
20 paint product stewardship programs.

21       **Sec. 11.** RCW 70A.515.110 and 2019 c 344 s 11 are each amended to  
22 read as follows:

23       This chapter is void if a federal law, or a combination of  
24 federal laws, takes effect that establishes a national program for  
25 the collection and recycling of (~~architectural~~) paint products that  
26 substantially meets the intent of this chapter, including the  
27 creation of a funding mechanism for collection, transportation,  
28 recycling, and proper disposal of all architectural paint in the  
29 United States.

30       **Sec. 12.** RCW 70A.208.020 and 2025 c 316 s 102 are each amended  
31 to read as follows:

32       The definitions in this section apply throughout this chapter  
33 unless the context clearly requires otherwise.

34       (1) "Advisory council" means the council established in RCW  
35 70A.208.050.

36       (2) "Alternative recycling process" means a recycling process  
37 that occurs other than through purely physical means.

1           (3) (a) "Beverage" means a drinkable liquid intended for human  
2 oral consumption.

3           (b) "Beverage" does not include: (i) A drug regulated under the  
4 federal food, drug, and cosmetic act, 21 U.S.C. Sec. 301 et seq.;  
5 (ii) 100 percent fluid milk; (iii) infant formula; or (iv) a meal  
6 replacement liquid.

7           (4) "Beverage container" means any container in which a producer  
8 originally prepackaged and sealed a beverage.

9           (5) "Brand" means a name, symbol, word, logo, or mark that  
10 identifies an item and attributes the item and its components,  
11 including packaging, to the brand owner of the item.

12           (6) "Collection rate" means the amount of a covered material by  
13 covered materials type collected by service providers and transported  
14 for recycling or composting divided by the total amount of the type  
15 of a covered material by covered materials type introduced by the  
16 relevant unit of measurement established in the plan.

17           (7) "Compostable" means a product that is capable of composting  
18 in a composting system and is in compliance with the requirements for  
19 a product labeled as compostable under chapter 70A.455 RCW.

20           (8) "Composting" means the controlled microbial degradation of  
21 source separated compostable materials to yield a humus-like product.

22           (9) "Composting rate" means the amount of compostable covered  
23 material that is managed through composting, divided by the total  
24 amount of compostable covered material introduced by the relevant  
25 unit of measurement.

26           (10) "Composting system" means a system meeting the requirements  
27 of chapter 70A.205 RCW applicable to facilities that treat solid  
28 waste for composting.

29           (11) "Contamination" means:

30           (a) The presence of materials that are not on the list of  
31 materials collected in that material stream; or

32           (b) The presence of materials that are not specified or accepted  
33 as a component of the feedstock or commodity.

34           (12) "Covered entity" means a person or location that receives  
35 covered services for covered materials in accordance with the  
36 requirements of this chapter, including:

37           (a) A single-family residence;

38           (b) A multifamily residence; and

1 (c) A public place where a government entity managed recycling  
2 collection receptacles as of August 1, 2025, and any additional  
3 public place identified in an approved plan.

4 (13)(a) "Covered material" means packaging and paper products  
5 introduced into the state.

6 (b) "Covered material" does not include exempt materials.

7 (14) "Covered materials type" means a singular and specific type  
8 of material, such as paper, plastic, metal, or glass, that is a  
9 covered material and that:

10 (a) May be categorized based on distinguishing chemical or  
11 physical properties, including properties that allow a covered  
12 materials type to be aggregated into a discrete commodity category  
13 for purposes of reuse, recycling, or composting; and

14 (b) Is based on similar uses in the form of a product or  
15 packaging.

16 (15)(a) "Covered services" means collecting, transferring,  
17 transporting, sorting, processing, recovering, preparing, or  
18 otherwise managing for purposes of waste reduction, refill, reuse,  
19 recycling, composting, or disposal of contamination or residuals.

20 (b) Except with regard to contamination, "covered services" do  
21 not include:

22 (i) Resource recovery through mixed municipal solid waste  
23 composting or incineration; or

24 (ii) Land disposal.

25 (16) "De minimis producer" means a producer that:

26 (a) In their most recent fiscal year introduced less than one ton  
27 of covered materials;

28 (b) Has a global gross revenue, not including on-premises alcohol  
29 sales, for the prior fiscal year of:

30 (i) Until January 1, 2031, less than \$5,000,000; or

31 (ii) Beginning January 1, 2031, less than \$5,000,000, as adjusted  
32 for inflation. The department must use the consumer price index for  
33 urban wage earners to calculate the annual rate of inflation  
34 adjustment effective January 1st of each year, beginning January 1,  
35 2031; or

36 (c) Is an agricultural employer, as defined in RCW 19.30.010,  
37 regardless of where the agricultural employer is located, with less  
38 than \$5,000,000, as adjusted for inflation as described in (b) of  
39 this subsection, in gross revenue in Washington from consumer sales

1 of agricultural commodities sold under the brand name of the  
2 agricultural employer.

3 (17) "Department" means the department of ecology.

4 (18) "Drop-off collection site" means a physical location where  
5 covered materials are accepted from the public and that is open a  
6 minimum of 12 hours weekly throughout the year.

7 (19) "Exempt materials" means materials, or any portion of  
8 materials, that are:

9 (a) Packaging for infant formula, as defined in 21 U.S.C. Sec.  
10 321(z);

11 (b) Packaging for medical food, as defined in 21 U.S.C. Sec.  
12 360ee(b)(3);

13 (c) Packaging for a fortified oral nutritional supplement used by  
14 persons who require supplemental or sole source nutrition to meet  
15 nutritional needs due to special dietary needs directly related to  
16 cancer, chronic kidney disease, diabetes, malnutrition, or failure to  
17 thrive, as those terms are defined by the *International*  
18 *Classification of Diseases*, tenth revision;

19 (d) Packaging for a product regulated as a drug, medical device,  
20 or dietary supplement by the United States food and drug  
21 administration, including associated components and consumable  
22 medical equipment, under the federal food, drug, and cosmetic act (21  
23 U.S.C. Sec. 321 et seq.), or a product regulated as a biologic or  
24 vaccine by the United States food and drug administration under the  
25 public health service act (42 U.S.C. Sec. 201 et seq.);

26 (e) Packaging for a medical equipment or product used in medical  
27 settings that is regulated by the United States food and drug  
28 administration, including associated components and consumable  
29 medical equipment;

30 (f) Packaging for drugs, biological products, parasiticides,  
31 medical devices, or in vitro diagnostics that are used to treat, or  
32 that are administered to, animals and are regulated by the United  
33 States food and drug administration under the federal food, drug, and  
34 cosmetic act (21 U.S.C. Sec. 301 et seq.) and by the United States  
35 department of agriculture under the federal virus-serum-toxin act (21  
36 U.S.C. Sec. 151 et seq.);

37 (g) Noncompostable film plastic packaging used in direct contact  
38 with raw meat;

1 (h) Packaging for products regulated by the United States  
2 environmental protection agency under the federal insecticide,  
3 fungicide, and rodenticide act (7 U.S.C. Sec. 136 et seq.);

4 (i) Packaging used to contain liquefied petroleum gas and are  
5 designed to be refilled;

6 (j) Packaging used to contain hazardous or flammable products  
7 classified by the 2012 federal occupational safety and health  
8 administration hazard communication standard, 29 C.F.R. Sec.  
9 1910.1200 (2024), that prevent the packaging from being reduced or  
10 made reusable, recyclable, or compostable, as determined by the  
11 department;

12 (k) Packaging that is associated with paint products (~~managed~~  
13 ~~through a paint stewardship plan approved under~~) as defined in  
14 chapter 70A.515 RCW;

15 (l) Excluded materials, as determined by the department under RCW  
16 70A.208.260;

17 (m) Used to protect or store a durable product for a period of at  
18 least five years;

19 (n) Packaging used for bulk construction materials;

20 (o) Covered materials that:

21 (i) A producer distributes to another producer;

22 (ii) Are subsequently used to contain a product and the product  
23 is distributed to a commercial or business entity for the production  
24 of another product; and

25 (iii) Are not introduced to a person other than the commercial or  
26 business entity that first received the product used for the  
27 production of another product; and

28 (p) Covered materials for which the producer demonstrates to the  
29 department that the covered material meets all of the following  
30 criteria:

31 (i) The material is not collected through a residential recycling  
32 collection service;

33 (ii) The material is recycled at a responsible market;

34 (iii) The material is intended to be used and collected within a  
35 commercial setting;

36 (iv) (A) The producer annually demonstrates to the department that  
37 the material has had a state recycling rate of 65 percent for three  
38 consecutive years, until December 31, 2029. Beginning January 1,  
39 2030, the producer must demonstrate to the department every two years

1 that the material has had a state recycling rate of at least 70  
2 percent annually; or

3 (B) The producer annually demonstrates to the department that the  
4 material is directly managed by the producer and has had a reuse or  
5 recycling rate of 65 percent for three consecutive years, until  
6 December 31, 2029. Beginning January 1, 2030, the producer must  
7 demonstrate to the department every two years that the material  
8 controlled by the producer has had a reuse or recycling rate of at  
9 least 70 percent annually; and

10 (v) If only a portion of the material sold in or into the state  
11 by a producer meets the criteria of (p)(i) of this subsection, only  
12 the portion of the material that meets that criteria is an exempt  
13 material and any portion that does not meet the criteria is a covered  
14 material for purposes of this chapter.

15 (20) "Government entity" means any:

16 (a) County, city, town, or other local government, including any  
17 municipal corporation, quasi-municipal corporation, or special  
18 purpose district, or any office, department, division, bureau, board,  
19 commission, or agency thereof, or other local public agency;

20 (b) State office, department, division, bureau, board,  
21 commission, or other state agency;

22 (c) Federally recognized Indian tribe whose traditional lands and  
23 territories include parts of Washington; or

24 (d) Federal office, department, division, bureau, board,  
25 commission, or other federal agency.

26 (21) "Individual plan" means a plan submitted by a producer that  
27 registers with the department as a producer responsibility  
28 organization to address the covered materials of the producer.

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

31 (23) "Material recovery facility" means any facility that  
32 receives, compacts, repackages, or sorts source separated solid waste  
33 for the purpose of recycling.

34 (24) "Overburdened communities" means the overburdened  
35 communities identified and prioritized by the department under RCW  
36 70A.02.050(1)(a).

37 (25)(a) "Packaging" means a material, substance, or object that  
38 is used to protect, contain, transport, serve, or facilitate delivery  
39 of a product and is sold or supplied with the product to the consumer  
40 for personal, noncommercial use.

1 (b) "Packaging" does not include exempt materials.

2 (26) "Paper product" means paper sold or supplied to a consumer  
3 for personal, noncommercial use, including flyers, brochures,  
4 booklets, catalogs, magazines, printed paper, and all other paper  
5 materials except for: (a) Bound books; (b) conservation-grade and  
6 archival-grade paper; (c) newspapers, including supplements or  
7 enclosures; (d) magazines that have a circulation of fewer than  
8 95,000 and that includes content derived from primary sources related  
9 to news and current events; (e) copy paper; (f) paper for use in  
10 building construction; and (g) paper that could reasonably be  
11 anticipated to become unsafe or unsanitary to handle.

12 (27)(a) "Plastic source reduction" means the reduction in the  
13 amount of covered plastic material introduced by a producer relative  
14 to a baseline year of 2023, or relative to an alternative baseline  
15 year of no earlier than 2013 where a producer submits data  
16 documenting the plastic source reduction to a producer responsibility  
17 organization. Methods of source reduction include, but are not  
18 limited to, shifting covered material to reusable or refillable  
19 packaging or a reusable product, eliminating unnecessary packaging,  
20 or reducing the packaging to product ratio. "Plastic source  
21 reduction" must include elimination, which means the removal of  
22 plastic covered materials.

23 (b) "Plastic source reduction" does not include either of the  
24 following:

25 (i) Replacing a recyclable or compostable covered material with a  
26 nonrecyclable or noncompostable covered material or a covered  
27 material that is less likely to be recycled or composted; or

28 (ii) Switching from virgin covered material to postconsumer  
29 recycled content, except as allowed under an alternative compliance  
30 formula in RCW 70A.208.150(6).

31 (28) "Postconsumer recycled content" has the same meaning as  
32 defined in RCW 70A.245.010.

33 (29)(a) "Producer" means the following person responsible for  
34 compliance with requirements under this chapter for a covered  
35 material introduced into the state:

36 (i) For items sold in or with packaging at a physical retail  
37 location in this state:

38 (A) If the item is sold in or with packaging under the brand of  
39 the item manufacturer or is sold in packaging that lacks

1 identification of a brand, the producer is the person that  
2 manufactures the item;

3 (B) If there is no person to which (a)(i)(A) of this subsection  
4 applies, the producer is the person that is licensed to manufacture  
5 and sell or offer for sale to consumers in this state an item with  
6 packaging under the brand or trademark of another manufacturer or  
7 person;

8 (C) If there is no person to which (a)(i)(A) or (B) of this  
9 subsection applies, the producer is the brand owner of the item;

10 (D) If there is no person described in (a)(i)(A), (B), or (C) of  
11 this subsection within the United States, the producer is the person  
12 who is the importer of record for the item into the United States for  
13 use in a commercial enterprise that sells, offers for sale, or  
14 distributes the item in this state; or

15 (E) If there is no person described in (a)(i)(A) through (D) of  
16 this subsection, the producer is the person that first distributes  
17 the item in or into this state;

18 (ii) For items sold or distributed in packaging in or into this  
19 state via e-commerce, remote sale, or distribution:

20 (A) For packaging used to directly protect or contain the item,  
21 the producer of the packaging is the same as the producer identified  
22 under (a)(i) of this subsection; and

23 (B) For packaging used to ship the item to a consumer, the  
24 producer of the packaging is the person that packages the item to be  
25 shipped to the consumer;

26 (iii) For packaging that is a covered material and is not  
27 included in (a)(i) and (ii) of this subsection, the producer of the  
28 packaging is the person that first distributes the item in or into  
29 this state;

30 (iv) For paper products that are magazines, catalogs, telephone  
31 directories, or similar publications, the producer is the publisher;

32 (v) For paper products not described in (a)(iv) of this  
33 subsection:

34 (A) If the paper product is sold under the manufacturer's own  
35 brand, the producer is the person that manufactures the paper  
36 product;

37 (B) If there is no person to which (a)(v)(A) of this subsection  
38 applies, the producer is the person that is the owner or licensee of  
39 a brand or trademark under which the paper product is used in a  
40 commercial enterprise, sold, offered for sale, or distributed in or

1 into this state, whether or not the trademark is registered in this  
2 state;

3 (C) If there is no person to which (a)(v)(A) or (B) of this  
4 subsection applies, the producer is the brand owner of the paper  
5 product;

6 (D) If there is no person described in (a)(v)(A), (B), or (C) of  
7 this subsection within the United States, the producer is the person  
8 that imports the paper product into the United States for use in a  
9 commercial enterprise that sells, offers for sale, or distributes the  
10 paper product in this state; or

11 (E) If there is no person described in (a)(v)(A) through (D) of  
12 this subsection, the producer is the person that first distributes  
13 the paper product in or into this state;

14 (vi) A person is the "producer" of a covered material sold,  
15 offered for sale, or distributed in or into this state, as defined in  
16 (a)(i) through (v) of this subsection, except:

17 (A) Where another person has mutually signed an agreement with a  
18 producer as defined in (a)(i) through (v) of this subsection that  
19 contractually assigns responsibility to the person as the producer,  
20 and the person has joined a registered producer responsibility  
21 organization as the responsible producer for that covered material  
22 under this chapter. If another person is assigned responsibility as  
23 the producer under this subsection, the producer under (a)(i) through  
24 (v) of this subsection must provide written certification of that  
25 contractual agreement to the producer responsibility organization.  
26 The following persons are not eligible to be the assigned recipient  
27 of responsibility as a producer under this subsection: (I) A person  
28 who produces an agricultural commodity introduced under the brand or  
29 trademark of another manufacturer or person; or (II) a distributor of  
30 a beverage sold in a beverage container; and

31 (B) If the producer described in (a)(i) through (v) of this  
32 subsection is a business operated wholly or in part as a franchise,  
33 the producer is the franchisor, if that franchisor has franchisees  
34 that have a commercial presence within the state.

35 (b) "Producer" does not include:

36 (i) Government entities;

37 (ii) Registered 501(c)(3) charitable organizations and 501(c)(4)  
38 social welfare organizations; or

39 (iii) De minimis producers.

40 (30) "Producer responsibility organization" means:

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

5 (b) A producer that registers with the department as a producer  
6 responsibility organization and implements an individual plan  
7 addressing the covered materials of the producer; or

8 (c) An organization as defined by the department by rule.

9 (31) "Program" means the activities conducted to implement an  
10 approved plan.

11 (32)(a) "Public place" means an indoor or outdoor location open  
12 to and generally used by the public and to which the public is  
13 permitted to have access including, but not limited to, streets,  
14 sidewalks, plazas, town squares, public parks, beaches, forests, or  
15 other public land open for recreation or other uses, and  
16 transportation facilities such as bus and train stations, airports,  
17 and ferry terminals.

18 (b) "Public place" does not include a retail establishment or  
19 industrial, commercial, or privately owned property that is not  
20 required to be accessible to the public.

21 (33) "Recycling" means transforming or remanufacturing covered  
22 materials into usable or marketable materials for use other than  
23 landfill disposal or incineration and does not include reuse or  
24 composting.

25 (34) "Recycling rate" means the amount of covered materials, in  
26 aggregate or by individual covered materials type, delivered to  
27 responsible markets for recycling in a calendar year divided by the  
28 total amount of covered materials introduced by the relevant unit of  
29 measurement and excluding covered materials that are reusable or  
30 compostable.

31 (35) "Refill" means the continued use of a covered material by a  
32 consumer through a system that is:

33 (a) Intentionally designed and marketed for repeated filling of a  
34 covered material to reduce demand for new production of the covered  
35 material;

36 (b) Supported by adequate logistics and infrastructure to provide  
37 convenient access to consumers; and

38 (c) Compliant with all applicable federal, state, and local  
39 statutes, rules, ordinances, and other laws governing health and  
40 safety.

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

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

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

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

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

16 (37) "Responsible producer" means a producer that is not a de  
17 minimis producer.

18 (38) "Retail establishment" includes any person, corporation,  
19 partnership, business, facility, vendor, organization, or individual  
20 that sells or provides merchandise, goods, or materials directly to a  
21 customer.

22 (39) "Return rate" means the amount of reusable covered material  
23 in aggregate or by individual covered materials type, collected for  
24 reuse by a producer or service provider in a calendar year, divided  
25 by the total amount of reusable covered materials introduced by the  
26 relevant unit of measurement.

27 (40) "Reusable" means capable of reuse.

28 (41) "Reuse" means the return of a covered material to the  
29 marketplace and the continued use of the covered material by a  
30 producer or service provider when the covered material is:

31 (a) Intentionally designed and marketed to be used multiple times  
32 for its original intended purpose without a change in form;

33 (b) Designed for durability and maintenance to extend its useful  
34 life and reduce demand for new production of the covered material;

35 (c) Supported by adequate logistics and infrastructure at a  
36 retail location, by a service provider, or on behalf of or by a  
37 producer, that provides convenient access for consumers; and

38 (d) Compliant with all applicable federal, state, and local  
39 statutes, rules, ordinances, and other laws governing health and  
40 safety.

1 (42) "Reuse rate" means the share of units of a reusable covered  
2 material introduced into the state in a calendar year that are  
3 demonstrated and deemed reusable in accordance with an approved plan.

4 (43) "Service provider" means an entity that provides covered  
5 services for covered materials. A government entity that provides,  
6 contracts for, or otherwise arranges for another party to provide  
7 covered services for covered materials within its jurisdiction may be  
8 a service provider regardless of whether it provided, contracted for,  
9 or otherwise arranged for similar services before the approval of the  
10 applicable plan.

11 (44) "Socially vulnerable population" means:

12 (a) Any person residing in:

13 (i) A census tract that contains a high overall social  
14 vulnerability index as measured using the United States centers for  
15 disease control and the agency for toxic substances and disease  
16 registry's social vulnerability index, as it existed as of January 1,  
17 2025, for the most recent year such data are available; or

18 (ii) As applicable, an alternative population specified in RCW  
19 70A.208.270; or

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

25 (45) "Third-party certification" means certification by an  
26 accredited independent organization that a standard or process  
27 required by this chapter, or by a plan approved under this chapter,  
28 has been achieved.

29 (46) "Toxic substance" means chemicals that are regulated under  
30 chapter 70A.222, 70A.350, 70A.430, or 70A.560 RCW.

31 (47) "Vulnerable populations" has the same meaning as defined in  
32 RCW 70A.02.010.

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