

CERTIFICATION OF ENROLLMENT
SECOND SUBSTITUTE HOUSE BILL 1497

69th Legislature
2025 Regular Session

Passed by the House April 22, 2025
Yeas 59 Nays 37

**Speaker of the House of
Representatives**

Passed by the Senate April 16, 2025
Yeas 27 Nays 22

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Bernard Dean, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SECOND SUBSTITUTE HOUSE BILL 1497** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 1497

AS AMENDED BY THE SENATE

Passed Legislature - 2025 Regular Session

State of Washington

69th Legislature

2025 Regular Session

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

READ FIRST TIME 02/28/25.

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 new sections to chapter 70A.205 RCW; adding a new section to
6 chapter 19.27 RCW; adding new sections to chapter 28A.235 RCW; adding
7 a new section to chapter 70A.455 RCW; creating new sections; and
8 prescribing penalties.

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

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

materials management systems by enacting additional incremental policy changes to this end.

ORGANICS GRANT PROGRAM ELIGIBILITY

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

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

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

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

COLLECTION BINS, LIDS, AND LABELS

NEW SECTION. **Sec. 3.** A new section is added to chapter 70A.205 RCW to read as follows:

(1)(a) Except as provided in (b) and (d) of this subsection, beginning January 1, 2028, in each jurisdiction planning under this chapter, the indoor or outdoor containers, including lids, smaller than 101 gallons provided to customers for collection services, including multifamily, commercial, government, and other public places, institutional, and curbside residential collection services, must be provided in a color-coded manner consistent with the

1 requirements of subsection (2) of this section in order to reduce
2 contamination.

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

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

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

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

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

27 (iii) The department must grant an exemption in response to a
28 petition from a jurisdiction that proposes an alternative plan and a
29 timeline to transition its containers, by route, portion of service
30 area or population, or other method, to be color-coded in a manner
31 consistent with the requirements of subsection (2) of this section in
32 the jurisdiction.

33 (2)(a)(i) In a jurisdiction where source-separated recyclable
34 materials and source-separated organic materials are collected
35 separately, a gray or black container may be used only for the
36 collection of solid waste that is not a source-separated recyclable
37 material or a source-separated organic material;

38 (ii) In a jurisdiction where source-separated recyclable
39 materials or organic materials are not collected separately, a gray
40 or black container may be used for any solid waste, including organic

1 material or recyclable material that is not separately collected in
2 the jurisdiction.

3 (b) A blue container may be used only for source-separated
4 recyclable materials. The contents of the blue container must be
5 intended for transport, directly or indirectly, to a facility that
6 recovers the materials designated for collection in the blue
7 container.

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

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

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

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

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

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

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

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

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

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

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

11 (i) In multiple languages; and

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

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

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

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

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

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

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

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

37 (c)(i) "Gray or black container" means a container where the body
38 of the container is gray or black and the lid is gray or black in
39 color.

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

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

MULTIFAMILY SERVICE OBLIGATIONS

Sec. 4. RCW 70A.205.540 and 2024 c 341 s 301 are each amended to read as follows:

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

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

(i) All single-family residents; and

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

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

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

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

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

(e) Beginning April 1, 2030, all persons, when using curbside collection for disposal, may use only source-separated organic solid waste collection services to discard unwanted organic materials. By January 1, 2027, the department must develop guidance under which local jurisdictions ~~((may))~~ must exempt persons from this requirement if organic materials will be managed through an alternative mechanism that provides equal or better environmental outcomes. ~~((Nothing in this section precludes the ability of a person to use on-site composting, the diversion of organic materials to animal feed, self-haul organic materials to a facility, or other means of beneficially managing unwanted organic materials.))~~ For the purposes of this subsection (1)(e), "person" or "persons" does not include multifamily residences, who are instead subject to the provisions of subsection (5) of this section.

(2) ~~((A))~~ (a) Except as provided in (b) of this subsection, a jurisdiction may charge and collect fees or rates for the services provided under subsection (1) of this section, consistent with the jurisdiction's authority to impose fees and rates under chapters 35.21, 35A.21, 36.58, and 36.58A RCW.

(b) A jurisdiction providing the services required in this section may not charge, or collect fees or rates from, a person managing organic materials through an alternative mechanism providing equal or better environmental outcomes, including composting, diverting organic materials to animal feed, self-hauling organic materials to an organic materials management facility, or other means of beneficially managing unwanted organic materials.

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

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

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

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

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

(ii) In census tracts that have a population density of greater than 75 people per square mile, where the census tract includes

1 jurisdictions that meet any of the conditions in (a)(i) and (ii) of
2 this subsection, that are serviced by the jurisdiction and located in
3 unincorporated portions of a county, as determined by the department,
4 in counties not planning under chapter 36.70A RCW;

5 (iii) Outside of urban growth areas designated pursuant to RCW
6 36.70A.110 in unincorporated portions of a county planning under
7 chapter 36.70A RCW;

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

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

13 (c) A jurisdiction that collects organic materials, but that does
14 not collect organic materials on a year-round basis as of January 1,
15 2024, is not required to provide year-round organic solid waste
16 collection services if it provides those services at least 26 weeks
17 annually.

18 (d) In addition to the exemptions in (a) through (c) of this
19 subsection, the department may issue a renewable waiver to
20 jurisdictions or portions of a jurisdiction under this subsection for
21 up to five years, based on consideration of factors including the
22 distance to organic materials management facilities, the sufficiency
23 of the capacity to manage organic materials at facilities to which
24 organic materials could feasibly and economically be delivered from
25 the jurisdiction, and restrictions in the transport of organic
26 materials under chapter 17.24 RCW. The department may adopt rules to
27 specify the type of information that a waiver applicant must submit
28 to the department and to specify the department's process for
29 reviewing and approving waiver applications.

30 (e) Beginning January 1, 2030, the department may adopt a rule to
31 require that the provisions of this section apply in the
32 jurisdictions identified in (b) through (d) of this subsection, but
33 only if the department determines that the goals established in RCW
34 70A.205.007(1) have not or will not be achieved.

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

38 (5)(a) Jurisdictions planning together or independently that
39 submit a preliminary draft solid waste management plan to the
40 department under RCW 70A.205.040 and 70A.205.055(1) after July 1,

1 2026, must include programs and establish a timeline to implement a
2 phase-in to require collection of source-separated organic materials
3 from multifamily residences in areas subject to the organic materials
4 management requirements of subsections (1) and (3) of this section.
5 The programs and phase-in established under this subsection must
6 include required collection of source-separated organic materials
7 from all newly constructed or substantially remodeled multifamily
8 residential buildings certified for occupancy after the local solid
9 waste plan update takes effect.

10 (b) Programs established under this subsection may allow for
11 waivers from the requirements for source-separated organic materials
12 for an existing multifamily structure if it is determined that the
13 structure does not have adequate storage space for collection of
14 source-separated organic materials. In cases where space constraints
15 are determined to exist, the feasibility of shared containers by
16 contiguous multifamily structures or between multifamily structures
17 and adjacent businesses shall also be evaluated before a waiver is
18 granted.

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

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

26 ~~((+6+))~~ (7) No penalty may be assessed on an individual or
27 resident for the improper disposal of organic materials under
28 subsection (1) of this section in a noncommercial or residential
29 setting.

30 ~~((+7+))~~ (8) The department must adopt new rules or amend existing
31 rules adopted under this chapter establishing permit requirements for
32 organic materials management facilities requiring a solid waste
33 handling permit addressing contamination associated with incoming
34 food waste feedstocks and finished products, for environmental
35 benefit.

36 (9) Nothing in this section precludes the ability of a person to
37 use on-site composting, the diversion of organic materials to animal
38 feed, self-haul organic materials to a facility, or other means of
39 beneficially managing unwanted organic materials.

1 **STATE BUILDING CODE OBLIGATIONS**

2 NEW SECTION. **Sec. 5.** A new section is added to chapter 19.27
3 RCW to read as follows:

4 The state building code must facilitate the collection of source-
5 separated organic materials from new multifamily residential and
6 commercial buildings, consistent with the requirements of RCW
7 70A.205.540 and the goals of RCW 70A.205.007, by ensuring that
8 sufficient space is allocated for solid waste storage, including
9 source-separated organic materials. A city or county may modify or
10 amend the requirements established under this section in order to
11 maintain consistency with requirements established by the city or
12 county under section 6 of this act.

13 **BUILDING OWNER/OPERATOR OBLIGATIONS**

14 NEW SECTION. **Sec. 6.** A new section is added to chapter 70A.205
15 RCW to read as follows:

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

19 (1) Provide adequate space for the colocation of organic
20 materials waste and recycling collection containers with garbage
21 containers, or if colocation is not possible, requiring the posting
22 of signage notifying residents of where organic materials waste and
23 recycling containers are located;

24 (2) Identify organic materials waste collection containers with
25 appropriate and accurate signage and color to differentiate between
26 organic materials waste, recycling, and garbage collection
27 containers; or

28 (3) Annually provide waste sorting educational material to
29 building residents.

30 **BUSINESS ORGANIC MANAGEMENT**

31 **Sec. 7.** RCW 70A.205.545 and 2024 c 341 s 302 are each amended to
32 read as follows:

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

1 (i) Provide for businesses to be serviced by providers that
2 collect food waste and organic material waste for delivery to solid
3 waste facilities that provide for the organic materials management of
4 organic material waste and food waste; and

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

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

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

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

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

25 (B) In the event that a county or city provides a written request
26 and supporting evidence to the department determining that the
27 criteria of (b)(i)(B) of this subsection are met, and the department
28 confirms this determination, then the restrictions of this section do
29 not apply to the jurisdiction.

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

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

35 (i) A jurisdictional health department may not charge a fee to
36 permit holders to cover the costs of the jurisdictional health
37 department's administration or enforcement of the requirements of
38 this section; and

39 (ii) Prior to issuing a penalty under this section, a
40 jurisdictional health department or a jurisdiction implementing a

1 plan under this chapter must provide at least two written notices of
2 noncompliance with the requirements of this section to the owner or
3 operator of a business subject to the requirements of this section.

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

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

12 (iii) Beginning January 1, 2026, a business that generates at
13 least 96 gallons of organic material waste per week shall arrange for
14 organic materials management services specifically for organic
15 material waste, unless the department determines, by rule, that
16 additional reductions in the landfilling of organic materials would
17 be more appropriately and effectively achieved, at reasonable cost to
18 regulated businesses, through the establishment of a different
19 volumetric threshold of organic waste material than the threshold of
20 96 gallons of organic material waste per week.

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

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

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

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

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

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

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

37 (a) Source separating organic material waste from other waste,
38 subscribing to a service that includes organic material waste
39 collection and organic materials management, and using such a service
40 for organic material waste generated by the business;

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

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

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

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

13 (b) Nothing in this section requires a business to dispose of
14 materials in a manner that conflicts with federal or state public
15 health or safety requirements. Nothing in this section requires
16 businesses to dispose of wastes generated in exceptional volumes as a
17 result of a natural disaster or other infrequent and unpreventable
18 event through the options established in subsection (3) of this
19 section. Nothing in this section prohibits a business from disposing
20 of nonfood organic materials that are not commingled with food waste
21 by using the services of an organic materials management facility
22 that does not accept food waste.

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

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

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

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

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

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

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

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

8 (d) Nothing in this section changes or limits the authority of
9 the Washington utilities and transportation commission to regulate
10 collection of solid waste, including curbside collection of
11 residential recyclable materials, nor does this section change or
12 limit the authority of a city or town to provide the service itself
13 or by contract under RCW 81.77.020.

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

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

18 (ii) A list of businesses that are likely to be required to
19 manage organic materials in a manner consistent with the requirements
20 of this section. This list is for purposes of outreach assistance but
21 need not represent a complete or determinative list of businesses
22 required to comply with the requirements of this section.

23 (b) The department may hire an independent third party to support
24 the implementation of the responsibilities described in (a) of this
25 subsection.

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

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

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

32 (d)(i) In support of the creation of this list, the department
33 may require a solid waste collection company to furnish information
34 that will assist the department in determining the applicability of
35 the requirements of this section to businesses that are currently
36 receiving collection services for organic materials management from
37 the solid waste collection company.

38 (ii) A solid waste collection company that submits information or
39 records to the department under this section may request that the
40 information or records be made available only for the confidential

1 use of the department, the director, or the appropriate division of
2 the department. The director shall give consideration to the request
3 and if this action is not detrimental to the public interest and is
4 otherwise within accord with the policies and purposes of chapter
5 43.21A RCW, the director must grant the request for the information
6 to remain confidential as authorized in RCW 43.21A.160.

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

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

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

16 (b) After being issued at least the notification letter and at
17 least one notice of violation without the imposition of a penalty
18 under (a) of this subsection, beginning July 1, 2026, a business in
19 violation of the requirements of this section is subject to a minimum
20 civil penalty, imposed by a jurisdiction implementing a plan under
21 this chapter or a jurisdictional health department, in an amount of:

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

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

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

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

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

35 (e) The department may not impose a penalty on a solid waste
36 collection company related to their obligation to disclose
37 information to the department under subsection (7)(d) of this
38 section.

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

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

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

7 (ii) "Business" does not include a multifamily residential
8 entity.

9 (b) "Food waste" has the same meaning as defined in RCW
10 70A.205.715.

11 **SCHOOL FOOD WASTE I**

12 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.235
13 RCW to read as follows:

14 The office of the superintendent of public instruction shall
15 identify or develop open educational resources for use by schools to
16 integrate mathematics, science, social-emotional, environmental and
17 sustainability, and social studies content standards to help support
18 and prioritize food waste reduction in schools.

19 **SCHOOL FOOD WASTE II**

20 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.235
21 RCW to read as follows:

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

26 **SCHOOL FOOD WASTE III**

27 **Sec. 10.** RCW 15.64.060 and 2015 c 225 s 9 are each amended to
28 read as follows:

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

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

1 (a) Identify and develop policies and procedures to implement and
2 evaluate the farm-to-school program, including coordinating with
3 school procurement officials, buying cooperatives, and other
4 appropriate organizations to develop uniform procurement procedures
5 and materials, and practical recommendations to facilitate the
6 purchase of Washington grown food by the common schools. These
7 policies, procedures, and recommendations shall be made available to
8 school districts to adopt at their discretion;

9 (b) Assist food producers, distributors, and food brokers to
10 market Washington grown food to schools by informing them of food
11 procurement opportunities, bid procedures, school purchasing
12 criteria, and other requirements;

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

19 (d) Identify and recommend mechanisms that will increase the
20 predictability of sales for producers and the adequacy of supply for
21 purchasers;

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

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

27 (g) As resources allow, seek additional funds to leverage state
28 expenditures.

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

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

38 **SCHOOL FOOD WASTE IV**

Sec. 11. RCW 28A.235.180 and 2018 c 8 s 8 are each amended to read as follows:

(1) Subject to the availability of amounts appropriated for this specific purpose, the office of the superintendent of public instruction may coordinate with the department of agriculture to promote and facilitate new and existing regional markets programs, including farm-to-school initiatives established in accordance with RCW 15.64.060, and small farm direct marketing assistance in accordance with RCW 15.64.050. In coordinating with the department of agriculture, the office of the superintendent of public instruction is encouraged to provide technical assistance, including outreach and best practices strategies, to school districts with farm-to-school initiatives.

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

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

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

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

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

(i) Support new and existing farm businesses;

(ii) Maintain the economic viability of farms;

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

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

1 (3) Subject to the availability of amounts appropriated for this
2 specific purpose, the regional markets programs of the department of
3 agriculture may support school districts in establishing or expanding
4 farm-to-school initiatives by providing information and guidance to
5 overcome barriers to purchasing Washington-grown food, including food
6 that might be going to waste. In accordance with this subsection (3),
7 regional markets program activities may include, but are not limited
8 to:

9 (a) Connecting schools and other institutions with farmers and
10 distribution chains;

11 (b) Overcoming seasonality constraints;

12 (c) Providing budgeting assistance;

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

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

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

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

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

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

35 (b) Provide participating youth with opportunities for:

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

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

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

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

COMPOSTABLE PRODUCT LABELING

NEW SECTION. **Sec. 12.** A new section is added to chapter 70A.455 RCW to read as follows:

The on-product marking requirements under this chapter, including the logo, coloring, and wording requirements of RCW 70A.455.040(2)(b), do not apply to paper-based sheets that are intended for use in the cooking process. The exemption from the requirements of this chapter does not apply to requirements other than marking requirements. Labeling consistent with the requirements of RCW 70A.455.020(2)(b) must be included on the packaging for any paper-based sheets that are exempted under this section.

Sec. 13. RCW 43.21B.110 and 2024 c 347 s 5, 2024 c 340 s 4, and 2024 c 339 s 16 are each reenacted and amended to read as follows:

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

(a) Civil penalties imposed pursuant to chapter 70A.230 RCW and RCW 18.104.155, 70A.15.3160, 70A.300.090, 70A.20.050, 70A.230.020, 70A.205.280, 70A.205.545, 70A.355.070, 70A.430.070, 70A.500.260, 70A.505.100, 70A.505.110, 70A.530.040, 70A.350.070, 70A.515.060, 70A.245.040, 70A.245.050, 70A.245.070, 70A.245.080, 70A.245.130, 70A.245.140, 70A.65.200, 70A.455.090, 70A.550.030, 70A.555.110, 70A.560.020, 70A.565.030, 76.09.170, 77.55.440, 78.44.250, 88.46.090, 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. 14.** If specific funding for the purposes of
37 this act, referencing this act by bill or chapter number, is not
38 provided by June 30, 2025, in the omnibus appropriations act, this
39 act is null and void.

1 NEW SECTION. **Sec. 15.** If any provision of this act or its
2 application to any person or circumstance is held invalid, the
3 remainder of the act or the application of the provision to other
4 persons or circumstances is not affected.

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