CERTIFICATION OF ENROLLMENT

SECOND SUBSTITUTE HOUSE BILL 1497

Chapter 314, Laws of 2025

69th Legislature
2025 Regular Session

WASTE MATERIAL MANAGEMENT—VARIOUS PROVISIONS

EFFECTIVE DATE: July 27, 2025

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

LAURIE JINKINS

Speaker of the House of Representatives

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

DENNY HECK

President of the Senate

Approved May 17, 2025 1:45 PM

BOB FERGUSON

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.

BERNARD DEAN

Chief Clerk

FILED

May 19, 2025

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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(i) In multiple languages; and

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

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

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

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

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

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

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

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

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

jurisdictions that meet any of the conditions in (a)(i) and (ii) of this subsection, 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;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(9) 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.

STATE BUILDING CODE OBLIGATIONS

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

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

BUILDING OWNER/OPERATOR OBLIGATIONS

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

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

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

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

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

BUSINESS ORGANIC MANAGEMENT

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

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

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

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

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

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

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

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

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

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

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

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

(ii) Prior to issuing a penalty under this section, a jurisdictional health department <u>or a jurisdiction implementing a</u>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SCHOOL FOOD WASTE I

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

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

SCHOOL FOOD WASTE II

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

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

SCHOOL FOOD WASTE III

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

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

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

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

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

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

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

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

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

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

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

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

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<u>, including food that might be going to waste</u>.

(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.

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

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

(b) Overcoming seasonality constraints;

(c) Providing budgeting assistance;

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

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

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

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

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

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

(b) Provide participating youth with opportunities for:

(i) Performing community service, including, but not limited to, building food gardens for low-income families, and work-based learning and employment during the school year and summer through 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.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

NEW SECTION. **Sec. 14.** If specific funding for the purposes of this act, referencing this act by bill or chapter number, is not provided by June 30, 2025, in the omnibus appropriations act, this act is null and void.

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

Passed by the House April 22, 2025.
Passed by the Senate April 16, 2025.
Approved by the Governor May 17, 2025.
Filed in Office of Secretary of State May 19, 2025.

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