

Chapter 70A.240 RCW
RECYCLING DEVELOPMENT CENTER

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RCW 70A.240.010 Findings. (1) The legislature finds that:

(a) Recycling reduces greenhouse gas emissions, conserves energy and landfill space, provides jobs and valuable feedstock materials to industry, promotes health, and protects the environment;

(b) Washington has long been a leader in sound management of recyclable materials and solid waste;

(c) Waste import restrictions worldwide are having huge implications for state and local recycling programs and operations in Washington state, requiring immediate action by the legislature;

(d) In order to maintain our leadership in recycling and create regional domestic markets, Washington must be innovative and implement best practices for recycling and waste reduction;

(e) Washington's environment and economy will benefit from expanding the number of industries that process recycled materials and use recycled feedstocks in their manufacturing;

(f) Washington recognizes the value of manufacturing incentives to encourage recycling industries to locate and operate in Washington and provide manufacturer incentives to improve the recyclability of their products;

(g) Many local governments and private entities cumulatively affect, and are affected by, the market for recycled commodities but have limited jurisdiction and cannot adequately address the problems of market development that are complex, wide-ranging, and regional in nature;

(h) A sustainable recycling system is one that is economically sustainable, in addition to environmentally sustainable;

(i) The private sector has the greatest capacity for creating and expanding markets for recycled commodities and the development of private markets for recycled commodities is in the public interest; and

(j) Washington must create a center to facilitate business assistance, provide basic and applied research and development, as well as policy analysis, to further the development of domestic processing and markets for recycled commodities.

(2) Therefore, it is the policy of the state to create the recycling development center to research, incentivize, and develop new markets and expand existing markets for recycled commodities and recycling facilities. [2019 c 166 s 1. Formerly RCW 70.370.010.]

Effective date—2019 c 166: "This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect July 1, 2019." [2019 c 166 s 10.]

RCW 70A.240.020 Definitions. The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

- (1) "Center" means recycling development center.
- (2) "Department" means the department of ecology.
- (3) "Director" means the director of the department of ecology.
- (4) "Local government" means a city, town, or county.
- (5) "Recyclable materials" means those solid wastes that are separated for recycling or reuse, such as papers, metals, and glass, that are identified as recyclable material pursuant to a local comprehensive solid waste plan.
- (6) "Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration.
- (7) "Secondary materials" means any materials that are not the primary products from manufacturing and other industrial sectors. These materials may include scrap and residuals from production processes and products that have been recovered at the end of their useful life.
- (8) "Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials. [2019 c 166 s 2. Formerly RCW 70.370.020.]

Effective date—2019 c 166: See note following RCW 70A.240.010.

RCW 70A.240.030 Recycling development center—Creation—Purpose and duties—Report to the legislature and governor—Interagency agreement—Rules. (1) The recycling development center is created within the department of ecology.

(2) The purpose of the center is to provide or facilitate basic and applied research and development, marketing, and policy analysis in furthering the development of markets and processing for recycled commodities and products. As used in this chapter, market development consists of public and private activities that are used to overcome impediments preventing full and productive use of secondary materials diverted from the waste stream, and that encourage and expand use of those materials and subsequent products. In fulfilling this mission, the center must initially direct its services to businesses that transform or remanufacture waste materials into usable or marketable materials or products for use rather than disposal.

(3) The center must perform the following activities:

(a) Develop an annual work plan. The work plan must describe actions and recommendations for developing markets for commodities comprising a significant percentage of the waste stream and having potential for use as an industrial or commercial feedstock, with initial focus on mixed waste paper and plastics;

(b) Evaluate, analyze, and make recommendations on state policies that may affect markets for recyclable materials. Such recommendations must include explicit consideration of the costs and benefits of the market-affecting policies, including estimates of the anticipated: Rate impacts on solid waste utility ratepayers; impacts on the prices

of consumer goods affected by the recommended policies; and impacts on rates of recycling or utilization of postconsumer materials;

(c) Work with manufacturers and producers of packaging and other potentially recyclable materials on their work to increase the ability of their products to be recycled or reduced in Washington;

(d) Initiate, conduct, or contract for studies relating to market development for recyclable materials, including but not limited to applied research, technology transfer, life-cycle analysis, and pilot demonstration projects;

(e) Obtain and disseminate information relating to market development for recyclable materials from other state and local agencies and other sources;

(f) Contract with individuals, corporations, trade associations, and research institutions for the purposes of this chapter;

(g) Provide grants or contracts to local governments, state agencies, or other public institutions to further the development or revitalization of recycling markets in accordance with applicable rules and regulations;

(h) Provide business and marketing assistance to public and private sector entities within the state;

(i) Represent the state in regional and national market development issues and work to create a regional recycling development council that will work across either state or provincial borders, or both;

(j) Wherever necessary, the center must work with: Material recovery facility operators; public and private sector recycling and solid waste industries; packaging manufacturers and retailers; local governments; environmental organizations; interested colleges and universities; and state agencies, including the department of commerce and the utilities and transportation commission; and

(k) Report to the legislature and the governor each even-numbered year on the progress of achieving the center's purpose and performing the center's activities, including any effects on state recycling rates or rates of utilization of postconsumer materials in manufactured products that can reasonably be attributed, at least in part, to the activities of the center.

(4) In order to carry out its responsibilities under this chapter, the department must enter into an interagency agreement with the department of commerce to perform or contract for the following activities:

(a) Provide targeted business assistance to recycling businesses, including:

(i) Development of business plans;

(ii) Market research and planning information;

(iii) Referral and information on market conditions; and

(iv) Information on new technology and product development;

(b) Conduct outreach to negotiate voluntary agreements with manufacturers to increase the use of recycled materials in products and product development;

(c) Support, promote, and identify research and development to stimulate new technologies and products using recycled materials;

(d) Actively promote manufacturing with recycled commodities, as well as purchasing of recycled products by state agencies consistent with and in addition to the requirements of chapter 43.19A RCW and RCW 39.26.255, local governments, and the private sector;

(e) Undertake studies on the unmet capital and other needs of reprocessing and manufacturing firms using recycled materials, such as financing and incentive programs; and

(f) Conduct research to understand the waste stream supply chain and incentive strategies for retention, expansion, and attraction of innovative recycling technology businesses.

(5) The department may adopt any rules necessary to implement and enforce this chapter including, but not limited to, measures for the center's performance. [2019 c 166 s 3. Formerly RCW 70.370.030.]

Effective date—2019 c 166: See note following RCW 70A.240.010.

RCW 70A.240.040 Advisory board—Duties—Membership. (1) The center's activities must be guided by an advisory board.

(2) The duties of the advisory board are to:

(a) Provide advice and guidance on the annual work plan of the center; and

(b) Evaluate, analyze, and make recommendations on state policies that may affect markets for recyclable materials to the director and the department of commerce.

(3) Except as otherwise provided, advisory board members must be appointed by the director in consultation with the department of commerce as follows:

(a) One member to represent cities;

(b) One member appointed by the Washington association of county solid waste managers to represent counties east of the crest of the Cascade mountains;

(c) One member appointed by the Washington association of county solid waste managers to represent counties west of the crest of the Cascade mountains;

(d) One member to represent public interest groups;

(e) Three members from universities or state and federal research institutions;

(f) Up to seven private sector members to represent all aspects of the recycling materials system, including but not limited to manufacturing and packaging, solid waste management, and at least one not-for-profit organization familiar with innovative recycling solutions that are being used internationally in Scandinavia, China, and other countries;

(g) The chair of the utilities and transportation commission or the chair's designee as a nonvoting member; and

(h) Nonvoting, temporary appointments to the board may be made by the chair of the advisory board where specific expertise is needed.

(4) The initial appointments of the seven private sector members are as follows: Three members with three-year terms and four members with two-year terms. Thereafter, members serve two-year renewable terms.

(5) The advisory board must meet at least quarterly.

(6) The chair of the advisory board must be elected from among the members by a simple majority vote.

(7) The advisory board may adopt bylaws and a charter for the operation of its business for the purposes of this chapter.

(8) The department shall provide staff support to the advisory board. [2019 c 166 s 4. Formerly RCW 70.370.040.]

Effective date—2019 c 166: See note following RCW 70A.240.010.