

WSR 26-08-006
PREPROPOSAL STATEMENT OF INQUIRY
DEPARTMENT OF ECOLOGY

[Order 25-15—Filed March 19, 2026, 7:37 a.m.]

Subject of Possible Rule Making: The department of ecology (ecology) is starting rule making for a new rule, chapter 173-950 WAC. These rules will clarify when a new program plan needs to be submitted and establish what the producer responsibility organization pays to cover the agency's costs of implementing, administering, and enforcing the program requirements. Ecology will also consider clarifications to other aspects of the program including, but not limited to, performance standards, annual reports, and reimbursable service provider costs.

Statutes Authorizing the Agency to Adopt Rules on this Subject: Chapter 70A.208 RCW, Solid waste—Packaging and paper products—Producer responsibility.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The Recycling Reform Act; chapter 70A.208 RCW, Solid waste—Packaging and paper products—Producer responsibility, passed in 2025. This statute creates an extended producer responsibility (EPR) program for materials used to package consumer goods and paper products. Ecology must adopt rules that will guide implementation of this new program. Washington is the seventh state to adopt a packaging EPR program, a system where producers of covered materials pay fees to fund responsible end-of-life management.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: Not applicable.

Process for Developing New Rule: Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act, chapter 34.05 RCW.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Chris Fredley, Department of Ecology, Solid Waste Management Program, P.O. Box 47600, Olympia, WA 98504-7600, phone 564-233-1615, Washington relay service or TTY call 711 or 877-833-6341, email RecyclingReform@ecy.wa.gov, website <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-950>, sign up to receive email notices at https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_366.

Additional comments: Interested parties can stay informed about the rule making and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

Ecology will conduct an environmental justice assessment in accordance with RCW 70A.02.060 as a part of this rule making.

March 18, 2026
Peter Lyon, Manager
Solid Waste Management Program