

2SHB 1131 - H AMD 206

By Representative Harris

1 Strike everything after the enacting clause and insert the
2 following:

3 "NEW SECTION. **Sec. 1.** The legislature finds that, as of 2023,
4 Washington's statewide waste recovery rate, which seeks to preserve
5 public health, safety, and welfare, and conserve energy and natural
6 resources, needs to be improved. The legislature further finds that
7 there is not sufficient data currently collected and reported to
8 effectively analyze current rates, trends, and challenges in
9 recycling. The legislature further finds that in order to develop
10 appropriate strategies to increase the statewide waste recovery rate,
11 robust data is needed. It is therefore the intent of the legislature
12 to collect sufficient data and develop performance rates for the
13 recycling of packaging and paper products sold or supplied to
14 consumers for personal use. In order to achieve this, the legislature
15 intends to conduct a thorough needs assessment to identify necessary
16 funding, infrastructure, and investments to achieve recommended
17 performance rates.

18 NEW SECTION. **Sec. 2.** The definitions in this section apply
19 throughout this chapter unless the context clearly requires
20 otherwise.

21 (1) "Covered product" means packaging and paper products sold or
22 supplied to consumers for personal use.

23 (2) "Department" means the department of ecology.

24 (3) "Eliminate" or "elimination," with respect to source
25 reduction, means the removal of a plastic component from a covered
26 material without replacing that component with a nonplastic
27 component.

28 (4) "Material category" means a group of covered products that
29 have similar properties such as chemical composition, shape, or other
30 characteristics including, but not limited to:

31 (a) Plastic beverage containers;

32 (b) Rigid plastic, excluding plastic beverage containers;

- 1 (c) Flexible plastic;
- 2 (d) Paper;
- 3 (e) Aluminum;
- 4 (f) Steel; and
- 5 (g) Glass.

6 (5) "Overburdened communities" means the overburdened communities
7 identified and prioritized by the department under RCW
8 70A.02.050(1)(a).

9 (6) "Reusable" means:

10 (a) For packaging that is reused or refilled, the packaging
11 satisfies all of the following:

12 (i) Explicitly designed and marketed to be utilized multiple
13 times for the same product, or for another purposeful packaging use
14 in a supply chain;

15 (ii) Designed for durability to function properly in its original
16 condition for multiple cycles of reuse or refill;

17 (iii) Supported by adequate infrastructure to ensure the
18 packaging can be conveniently and safely reused or refilled for
19 multiple cycles; and

20 (iv) Repeatedly recovered, inspected, and reissued into the
21 supply chain for reuse or refill for multiple cycles.

22 (b) For packaging that is reused or refilled by a consumer, the
23 packaging satisfies all of the following:

24 (i) Explicitly designed and marketed to be utilized multiple
25 times for the same product;

26 (ii) Designed for durability to function properly in its original
27 condition for utilization in multiple cycles of reuse or refill; and

28 (iii) Supported by adequate and convenient availability of retail
29 infrastructure to ensure the packaging can be conveniently and safely
30 reused or refilled by the consumer multiple times.

31 NEW SECTION. **Sec. 3.** (1) To inform the future development of
32 strategies to increase recovery rates, the department must conduct a
33 performance rates study and a statewide needs assessment that must
34 be:

35 (a) Carried out by a third-party consultant selected by the
36 department; and

37 (b) Funded through fees paid by producers registered under
38 chapter 70A.245 RCW.

1 (2) (a) The performance rates study must be completed by September
2 1, 2024, and must:

3 (i) Use the recycling rates from the study submitted to the
4 legislature pursuant to section 302(59), chapter 297, Laws of 2022;

5 (ii) Review the performance rates set and achieved in other
6 jurisdictions and evaluate whether those rates are applicable in the
7 state;

8 (iii) Recommend performance rates, including:

9 (A) A rate for the overall combined reuse and recycling of
10 covered products;

11 (B) A separate specific minimum reuse rate, that must be counted
12 within the overall combined reuse and recycling rate;

13 (C) A source reduction rate to be achieved solely by eliminating
14 plastic components; and

15 (D) Performance rates for specific material categories of covered
16 products including, but not limited to, beverage containers, mixed
17 paper, plastic packaging, glass, and cardboard.

18 (b) Recommendations under (a) of this subsection must consider
19 the feasibility of achieving recommended rates based on current rates
20 achieved as well as current infrastructure in the state, rates
21 achieved in other jurisdictions, and additional relevant data. The
22 recommended performance rates must be designed to be achieved for
23 covered products statewide by 2032.

24 (c) Stakeholders must have the opportunity to review and comment
25 on a draft performance rates study at least 30 days prior to its
26 completion.

27 (3) The statewide needs assessment must be completed by July 1,
28 2025, and must be consistent with the following requirements:

29 (a) The final scope of the statewide needs assessment must be
30 determined after considering comments and recommendations from
31 stakeholders; and

32 (b) Stakeholders must have the opportunity to review and comment
33 on the draft statewide needs assessment at least 30 days prior to its
34 completion.

35 (4) The statewide needs assessment must be:

36 (a) Informed by the findings and recommendations of the
37 performance rates study established in this section and rates and
38 other comments suggested by stakeholders; and

39 (b) Accepted from the selected consultant as complete by the
40 department.

1 (5) The statewide needs assessment must:

2 (a) Evaluate the capacity, costs, gaps, and needs for the
3 following factors necessary to achieve performance rate
4 recommendations developed under subsection (1) of this section:

5 (i) Availability and types of recycling services for covered
6 products;

7 (ii) Education and outreach activities;

8 (iii) Availability and performance of collection, transport, and
9 processing capacity and infrastructure, including consideration of
10 material quality and contamination;

11 (iv) Availability and performance of collection, transport, and
12 processing capacity and infrastructure to manage compostable covered
13 products, including consideration of the material quality and
14 contamination;

15 (v) Necessary capital investments to existing reuse and recycling
16 infrastructure; and

17 (vi) Infrastructure or other factors necessary to enable reuse of
18 covered products or the recycling of covered products not currently
19 recycled in the residential recycling system;

20 (b) Compile information related to actual costs incurred by
21 government entities for curbside collection services, drop-off
22 collection services, and other information relevant to the funding
23 requirements to achieve performance rates, including costs for
24 various service methods recommended by stakeholders during the study
25 scoping process;

26 (c) Identify cost factors and other variables to be considered in
27 the development of base cost formulas for establishing per unit
28 funding needs for government entities for curbside collection
29 services needed to achieve performance rates developed under
30 subsection (1) of this section. Cost factors and variables to be
31 considered in the base cost formulas include:

32 (i) Population size and density of a local jurisdiction;

33 (ii) Types of households serviced and collection method used;

34 (iii) Distance from a local jurisdiction to the nearest recycling
35 facility;

36 (iv) Whether a jurisdiction pays for transportation and sorting
37 of collected materials and whether it receives a commodity value from
38 processed materials;

39 (v) Geographic location or other variables contributing to
40 regional differences in costs;

1 (vi) Cost increases over time; and
2 (vii) Any other factors as determined to be necessary by the
3 department, with input from stakeholders;

4 (d) Identify cost factors and other variables to be considered in
5 the development of funding estimates for government entities for any
6 services other than curbside collection to be carried out by
7 government entities that may be needed to achieve performance rates
8 developed under subsection (1) of this section;

9 (e) Compile relevant information to be considered in the
10 development of criteria by the department to determine whether a
11 covered product is recyclable, reusable, or compostable through
12 Washington's curbside recycling collection system. The relevant
13 information to be compiled may include whether covered product
14 materials are:

15 (i) Or may be, collected, separated, and processed in sufficient
16 quantity and quality into a marketable feedstock that can be used in
17 the production of new products; or

18 (ii) Designed in a way that is problematic for reuse, recycling,
19 or composting;

20 (f) Evaluate how the state's recycling system can be managed in a
21 socially just manner as it relates to activities required under this
22 chapter. The assessment must:

23 (i) Include meaningful consultation with overburdened communities
24 and vulnerable populations;

25 (ii) Determine conditions and make recommendations including, at
26 minimum:

27 (A) The availability of opportunities in the recycling system for
28 women and minority individuals;

29 (B) The sufficiency of local government requirements related to
30 multifamily recycling services and their implementation;

31 (C) Identification of activities that disproportionately impact
32 any community and in particular overburdened communities and
33 vulnerable populations;

34 (D) The sufficiency of recycling education and outreach programs
35 relative to desired socially just management outcomes;

36 (E) Recommendations for improving socially just management
37 practices and outcomes in the state's recycling system; and

38 (F) Evaluate the extent to which covered products contribute to
39 litter and marine debris. The assessment should draw on available

1 data, assess gaps, and identify strategies for improving prevention
2 and cleanup of litter and marine debris from covered products; and

3 (g) Compile information from available data sources on the
4 presence of toxic substances in covered products and their potential
5 impacts on reuse, recycling, and composting systems. The information
6 compiled is intended to inform the development of ecomodulation
7 factors that incentivize the reduction of toxic substances that have
8 potentially negative impacts when covered products are managed
9 through reuse, recycling, and composting systems.

10 NEW SECTION. **Sec. 4.** Sections 1 through 3 of this act
11 constitute a new chapter in Title 70A RCW."

12 Correct the title.

EFFECT: Strikes the underlying extended producer responsibility program, deposit return program, and postconsumer recycled content requirements, except (1) retaining a modified intent section and a narrowed definitions section, and (2) requiring producers registered with the department of ecology (ecology) under existing postconsumer recycled content requirements to pay for a performance rates study and needs assessment to be carried out by a third-party consultant selected by ecology. Provides for the performance rates study and needs assessments to be carried out in a manner similar to the rates study and needs assessment contained in the underlying bill, except that the striking amendment removes references to producer responsibility programs in other states, and removes references to eliminated components of the underlying bill.

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