

Multiple Agency Fiscal Note Summary

Bill Number: 1085 HB	Title: Plastic pollution
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Estimated Cash Receipts

NONE

Estimated Operating Expenditures

Agency Name	2023-25				2025-27				2027-29			
	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total	FTEs	GF-State	NGF-Outlook	Total
Office of Attorney General	Fiscal note not available											
Department of Enterprise Services	Fiscal note not available											
Department of Ecology	1.6	0	0	415,553	.2	0	0	52,322	.1	0	0	18,300
Environmental and Land Use Hearings Office	Fiscal note not available											
Department of Fish and Wildlife	Fiscal note not available											
Department of Natural Resources	Fiscal note not available											
Total \$	1.6	0	0	415,553	0.2	0	0	52,322	0.1	0	0	18,300

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Expenditures

Agency Name	2023-25			2025-27			2027-29		
	FTEs	Bonds	Total	FTEs	Bonds	Total	FTEs	Bonds	Total
Office of Attorney General	Fiscal note not available								
Department of Enterprise Services	Fiscal note not available								
Department of Ecology	.0	0	0	.0	0	0	.0	0	0
Environmental and Land Use Hearings Office	Fiscal note not available								
Department of Fish and Wildlife	Fiscal note not available								
Department of Natural Resources	Fiscal note not available								
Total \$	0.0	0	0	0.0	0	0	0.0	0	0

Agency Name	2023-25			2025-27			2027-29		
	FTEs	GF-State	Total	FTEs	GF-State	Total	FTEs	GF-State	Total
Local Gov. Courts									
Loc School dist-SPI									
Local Gov. Other	Non-zero but indeterminate cost and/or savings. Please see discussion.								
Local Gov. Total									

Estimated Capital Budget Breakout

Prepared by: Lisa Borkowski, OFM	Phone: (360) 742-2239	Date Published: Preliminary
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Individual State Agency Fiscal Note

Bill Number: 1085 HB	Title: Plastic pollution	Agency: 461-Department of Ecology
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Part I: Estimates

No Fiscal Impact

Estimated Cash Receipts to:

NONE

Estimated Operating Expenditures from:

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	2.5	0.6	1.6	0.2	0.1
Account					
Model Toxics Control Operating Account-State 23P-1	338,355	77,198	415,553	52,322	18,300
Total \$	338,355	77,198	415,553	52,322	18,300

Estimated Capital Budget Impact:

NONE

The cash receipts and expenditure estimates on this page represent the most likely fiscal impact. Factors impacting the precision of these estimates, and alternate ranges (if appropriate), are explained in Part II.

Check applicable boxes and follow corresponding instructions:

- If fiscal impact is greater than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete entire fiscal note form Parts I-V.
- If fiscal impact is less than \$50,000 per fiscal year in the current biennium or in subsequent biennia, complete this page only (Part I).
- Capital budget impact, complete Part IV.
- Requires new rule making, complete Part V.

Legislative Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/03/2023
Agency Preparation: Lori Peterson	Phone: 360-280-4075	Date: 01/10/2023
Agency Approval: Erik Fairchild	Phone: 360-407-7005	Date: 01/10/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/10/2023

Part II: Narrative Explanation

II. A - Brief Description Of What The Measure Does That Has Fiscal Impact

Significant provisions of the bill and any related workload or policy assumptions that have revenue or expenditure impact on the responding agency by section number.

Under current law, Department of Ecology (Ecology) implements the provisions of Chapter 70A.530 RCW, which prohibits retail establishments from providing single-use plastic bags.

Ecology also implements the provisions of Chapter 70A.245 RCW, which requires post-consumer recycled content minimums for plastic beverage containers, plastic household cleaner containers, plastic personal care product containers, and plastic trash bags that are sold, offered for sale, or distributed in or into Washington. This chapter also bans certain polystyrene products from sale or offer for sale in Washington and requires food service establishments to provide single-use food service products on request only.

This bill would add a new section to Chapter 70A.245 RCW to ban new overwater structures containing expanded or extruded plastic foam and ban lodging establishments from providing a personal health or beauty care product in a small plastic container, a plastic wrapper, or single-use plastic packaging.

Section 3 would prohibit the sale, distribution, or installation of any new overwater structures that are made of or contain expanded or extruded foam, including docks, blocks, and floats, beginning June 1, 2024. Ecology would be authorized to adopt rules to implement, administer and enforce this section.

Section 4 would prohibit lodging establishments from providing a personal health or beauty product in a small plastic container, a plastic wrapper, or any other single-use plastic packaging to a person staying in a lodging unit or within bathrooms shared by the public or guests, unless provided to a guest upon request to accommodate mobility or accessibility needs. Prohibitions would apply to large establishments (with 50 or more lodging units) beginning January 1, 2025. This prohibition would take effect for smaller lodging establishments (fewer than 50 lodging units) beginning January 1, 2026. Ecology would be authorized to adopt rules to implement, administer and enforce this section. This section would require Ecology to establish a complaint forum to support enforcement of the requirements.

II. B - Cash receipts Impact

Cash receipts impact of the legislation on the responding agency with the cash receipts provisions identified by section number and when appropriate, the detail of the revenue sources. Description of the factual basis of the assumptions and the method by which the cash receipts impact is derived. Explanation of how workload assumptions translate into estimates. Distinguished between one time and ongoing functions.

Penalties:

Section 3 would provide authority for Ecology to assess penalties up to \$10,000 per violation.

Section 4 would provide authority for Ecology to assess penalties up to \$500 per violation per day for the first violation, and up to \$2,000 per violation per day for the second and each subsequent violation.

Penalties under sections 3 and 4 would be deposited in Model Toxics Control Operating Account (MTCA-Operating).

Ecology assumes we would work with those in violation of the law to bring them into compliance; therefore, penalties are assumed to be limited, but unknown, and therefore are not estimated in Ecology's fiscal note.

II. C - Expenditures

Agency expenditures necessary to implement this legislation (or savings resulting from this legislation), with the provisions of the legislation that result in the expenditures (or savings) identified by section number. Description of the factual basis of the assumptions and the method by which the expenditure impact is derived. Explanation of how workload assumptions translate into cost estimates. Distinguished between one time and ongoing functions.

The expenditure impact to Ecology under this bill is estimated to be greater than \$50,000 in Fiscal Year (FY) 2024 and FY

2025, and less than \$50,000 in FY 2026 and ongoing each fiscal year thereafter to implement the requirements of sections 3 and 4.

Expenditures are estimated in the Model Toxics Control Operating Account (MTCA – Operating). MTCA supports the state’s responsibility for recycling, waste, and litter reduction, regulation, enforcement, technical assistance, and public education under Chapter 70A.245 RCW.

Sections 3 and 4 would authorize rulemaking to implement, administer, and enforce these sections. Upon consultation with the Attorney General’s Office, Ecology assumes rulemaking would not be necessary to implement, administer, or enforce the provisions of these sections, because the requirements are clearly defined and specified in the proposed bill.

Section 3

Outreach, Technical Assistance, and Enforcement

Based on our experience from implementing a similar ban, such as the expanded polystyrene bans, RCW 70A.245.070, Ecology assumes guidance documents to communicate the new requirements to the public, manufacturers, retailers, boat clubs, marinas, and other interested parties would be necessary. Compliance monitoring and enforcement protocols to enforce this section would need to be developed in FY 2024. Ecology assumes enforcement would be primarily based on reports of suspected violations, rather than active audits or site visits by Ecology staff, unless investigating a reported violation.

An Environmental Specialist 4 (ES4) technical lead would coordinate with communications and enforcement specialists to develop and publish outreach materials, develop compliance assistance and enforcement protocols and templates, and coordinate with other programs or agencies for enforcement, as needed. Before developing outreach materials and enforcement protocols, the lead would develop knowledge on the banned materials and products and alternatives available, related federal, state, and local regulations, and impacted audiences with whom to share outreach. Ecology would also provide compliance support and follow-up with reported violations. The estimated workload is 0.50 FTE ES4 in FY 2024. Ecology assumes the technical lead would provide compliance support to the affected parties for two more years after the ban. Based on our previous experiences, Ecology estimates 0.25 FTE ES4 in FY 2025 and 0.10 FTE ES4 in FY 2026.

A Communications Consultant 5 (CC5) would develop a communications plan and support the development of outreach materials and strategies to publicize the requirements through agency communication channels, press releases, media inquiries, and social media. The estimated workload is 0.02 FTE CC5 in FY 2024.

A Community Outreach & Environmental Education Specialist 3 (COEES3) would coordinate with the technical lead to identify impacted members of the public, develop a listserv, and help develop education and outreach materials for publication on the Ecology website. The estimated workload is 0.03 FTE COEES3 in FY 2024.

A Communications Consultant 3 (CC3) would review and edit the outreach materials prepared by the ES4 and COEES3 and create an agency website to publish the material. The estimated workload is 0.06 FTE CC3 in FY 2024.

An Environmental Specialist 5 (ES5) enforcement specialist would coordinate with the technical lead, establish investigation, notification, and enforcement protocols, and coordinate with other programs or agencies for enforcement protocols, as needed. The estimated workload is 0.15 FTE ES5 in FY 2024.

Section 4

Ecology would be required to provide a website with education and outreach resources that provides information about the requirements of the section to lodging establishments, consumers, and other interested parties. This section would also require a forum through which the public may notify Ecology of potential violations.

Before January 1, 2025, Ecology would establish protocols and guidance to enforce this section and communicate the new requirements to the affected parties. Ecology would also develop an online reporting platform for the public to report violations, along with a database for Ecology to track and respond to violations.

Outreach, Technical Assistance, and Enforcement

Based on experience implementing the retail single-use plastic bag ban (Chapter 70A.530 RCW) and the optional single-use serviceware provisions of RCW 70A.245.080, Ecology would create an outreach toolkit to share with lodging establishments to help implement the bill and communicate changes with their customers. Although the ban would take effect January 1, 2025, Ecology assumes creation of the toolkits and other guidance materials would occur in FY 2024 to provide impacted businesses maximum time to prepare.

Ecology would prepare guidance to communicate the new requirements to the lodging industry, the public, and other interested parties and develop compliance monitoring and enforcement protocols to enforce this section. Ecology assumes enforcement would be primarily based on reports of suspected violations through the complaint forum, rather than active audits or site visits by Ecology staff, unless necessary to investigate a complaint.

An ES4 technical lead would develop the content for the outreach toolkit and other outreach materials for the website. This position would plan outreach strategy, coordinate with communications specialists and vendors for graphic design and translation to develop and publicize outreach materials, and coordinate with an enforcement specialist to develop compliance technical assistance and enforcement protocols and templates. This position would coordinate with IT staff to develop the complaint forum and lead the effort to provide outreach to smaller lodging establishments in the second phase of implementation, beginning January 1, 2026. Workload estimated in FY 2025 and FY 2026 includes investigation of complaints, technical assistance to lodging establishments, and preparation of compliance notices as the requirements take effect. Ecology assumes the technical lead would provide compliance support to the affected parties for one more year after the last ban. The estimated ES4 workload is 0.50 FTE in FY 2024, 0.25 FTE in FY 2025, 0.10 FTE in FY 2026, and 0.05 FTE in FY 2027.

A CC5 would develop a communications plan and support the development of outreach materials and strategies to publicize the requirements through agency communication channels, press releases, media inquiries, and social media. The CC5 would work with the technical lead to coordinate with graphic design and translation vendors for the outreach toolkit. The estimated workload is 0.05 FTE CC5 in FY 2024.

A COEES3 would coordinate with the technical lead to identify impacted members of the public, develop a listserv, and help develop education and outreach materials for the toolkit and website. The estimated workload is 0.05 FTE COEES3 in FY 2024.

A CC3 would review and edit the outreach materials prepared by the ES4 and create an agency website to publish the material. The estimated workload is 0.06 FTE CC3 in FY 2024.

An ES5 enforcement specialist would coordinate with the technical lead establish investigation, notification, and enforcement protocols, and published enforcement guidance. The estimated workload is 0.15 FTE ES5 in FY 2024.

Based on purchasing experience for the bag ban and optional serviceware provisions, Ecology estimates \$12,000 for graphic design and translation services for the outreach toolkit materials. This is estimated in object E in FY 2024. Ecology assumes the same materials will be used for the second phase of the ban for smaller lodging establishments.

Complaint Forum Development

Ecology would build a reporting feature for lodging establishment violations and a database to track suspected and

confirmed violations. The Information Technology specialists would work with the ES4 technical lead above. Time estimated below is based on experience developing the complaint forum and database for the plastic bag ban.

An IT Business Analyst – Journey (ITBA-Journey) would coordinate with the technical lead to collect system requirements, coordinate user systems testing, and provide user guidance. The estimated workload is 0.20 FTE ITBA-Journey in FY 2024.

An IT Application Developer – Journey (ITAP-Journey) would develop the reporting feature for submitting reports of suspected violations and a database to track suspected violations for follow-up and possible enforcement, in consultation with the technical lead and ITBA-Journey. The estimated workload is 0.40 FTE ITAP-Journey in FY 2024 for application development, and 0.05 FTE ITAP-Journey is estimated in FY 2025 and ongoing each fiscal year thereafter for database maintenance.

SUMMARY: The expenditure impact to Ecology under this bill is summarized below.

Section 3 is estimated to require:

FY 2024: \$104,694 and 0.87 FTEs

FY 2025: \$34,024 and 0.29 FTEs

FY 2026: \$13,608 and 0.12 FTEs

Section 4 is estimated to require:

FY 2024: \$233,661 and 1.62 FTEs

FY 2025: \$43,174 and 0.35 FTEs

FY 2026: \$22,758 and 0.17 FTEs

FY 2027: \$15,956 and 0.12 FTEs

FY 2028 and ongoing: \$9,150 and 0.06 FTEs

THE TOTAL EXPENDITURE IMPACT to Ecology under this bill is estimated to be

FY 2024: \$338,355 and 2.5 FTEs

FY 2025: \$77,198 and 0.63 FTEs

FY 2026: \$36,366 and 0.29 FTEs

FY 2027: \$15,956 and 0.12 FTEs

FY 2028 and ongoing: \$9,150 and 0.06 FTEs

Notes on costs by object:

Salary estimates are current biennium actual rates at Step L.

Benefits are the agency average of 36% of salaries.

Goods and Services are the agency average of \$5,224 per direct program FTE and include \$12,000 in FY 2024 for graphic design and translation services.

Travel is the agency average of \$1,563 per direct program FTE.

Equipment is the agency average of \$1,031 per direct program FTE.

Agency Administrative Overhead is calculated at the federally approved agency indirect rate of 28.75% of direct program salaries and benefits, and is shown as object 9. Agency Administrative Overhead FTEs are included at 0.15 FTE per direct program FTE, and are identified as Fiscal Analyst 2 and IT App Development - Journey.

Part III: Expenditure Detail

III. A - Operating Budget Expenditures

Account	Account Title	Type	FY 2024	FY 2025	2023-25	2025-27	2027-29
23P-1	Model Toxics Control Operating Account	State	338,355	77,198	415,553	52,322	18,300
Total \$			338,355	77,198	415,553	52,322	18,300

III. B - Expenditures by Object Or Purpose

	FY 2024	FY 2025	2023-25	2025-27	2027-29
FTE Staff Years	2.5	0.6	1.6	0.2	0.1
A-Salaries and Wages	176,692	41,632	218,324	28,319	10,004
B-Employee Benefits	63,610	14,987	78,597	10,195	3,602
E-Goods and Other Services	23,336	2,873	26,209	1,827	522
G-Travel	3,392	860	4,252	546	156
J-Capital Outlays	2,240	568	2,808	362	104
9-Agency Administrative Overhead	69,085	16,278	85,363	11,073	3,912
Total \$	338,355	77,198	415,553	52,322	18,300

III. C - Operating FTE Detail: *List FTEs by classification and corresponding annual compensation. Totals need to agree with total FTEs in Part I and Part IIIA*

Job Classification	Salary	FY 2024	FY 2025	2023-25	2025-27	2027-29
COM OUTREACH & ENV ED SP 3	63,216	0.1		0.0		
COMM CONSULTANT 3	66,420	0.1		0.1		
COMM CONSULTANT 5	87,144	0.1		0.0		
ENVIRONMENTAL SPEC 4	73,260	1.0	0.5	0.8	0.1	
ENVIRONMENTAL SPEC 5	80,952	0.3		0.2		
FISCAL ANALYST 2		0.2	0.1	0.1	0.0	0.0
IT APP DEV-JOURNEY	100,032	0.4	0.1	0.2	0.1	0.1
IT APP DEV-JOURNEY (Admin)		0.1	0.0	0.1	0.0	
IT BUSINESS ANALYST-JOURNE'	100,032	0.2		0.1		
Total FTEs		2.5	0.6	1.6	0.2	0.1

III. D - Expenditures By Program (optional)

NONE

Part IV: Capital Budget Impact

IV. A - Capital Budget Expenditures

NONE

IV. B - Expenditures by Object Or Purpose

NONE

IV. C - Capital Budget Breakout

Acquisition and construction costs not reflected elsewhere on the fiscal note and description of potential financing methods.

NONE

IV. D - Capital FTE Detail: *FTEs listed by classification and corresponding annual compensation. Totals agree with total FTEs in Part IVB.*

NONE

Part V: New Rule Making Required

Provisions of the bill that require the agency to adopt new administrative rules or repeal/revise existing rules.

LOCAL GOVERNMENT FISCAL NOTE

Revised

Department of Commerce

Bill Number: 1085 HB

Title: Plastic pollution

Part I: Jurisdiction-Location, type or status of political subdivision defines range of fiscal impacts.

Legislation Impacts:

- Cities: Costs associated with installing water bottle filling stations to construction where current building code requires drinking fountains.
- Counties: Costs associated with installing water bottle filling stations to construction where current building code requires drinking fountains.
- Special Districts: Costs associated with installing water bottle filling stations to construction where current building code requires drinking fountains.
- Specific jurisdictions only:
- Variance occurs due to:

Part II: Estimates

- No fiscal impacts.
- Expenditures represent one-time costs:
- Legislation provides local option:
- Key variables cannot be estimated with certainty at this time: We do not know the number of water bottle filling stations that would need to be added to construction, or the amount of construction under local jurisdiction that would require bottle filling stations.

Estimated revenue impacts to:

None

Estimated expenditure impacts to:

Non-zero but indeterminate cost and/or savings. Please see discussion.

Part III: Preparation and Approval

Fiscal Note Analyst: Chelsea Mickel	Phone: 518-727-3478	Date: 01/10/2023
Leg. Committee Contact: Jacob Lipson	Phone: 360-786-7196	Date: 01/03/2023
Agency Approval: Tammi Alexander	Phone: 360-725-5038	Date: 01/10/2023
OFM Review: Lisa Borkowski	Phone: (360) 742-2239	Date: 01/10/2023

Part IV: Analysis

A. SUMMARY OF BILL

Description of the bill with an emphasis on how it impacts local government.

Section 2 requires any construction in which a drinking fountain is required under the State Building Code to also require the provision of a bottle filling station for each required drinking fountain. This section must take effect and be implemented by July 1, 2026.

B. SUMMARY OF EXPENDITURE IMPACTS

Expenditure impacts of the legislation on local governments with the expenditure provisions identified by section number and when appropriate, the detail of expenditures. Delineated between city, county and special district impacts.

This legislation would have an indeterminate expenditure impact on local governments. The number of water bottle filling stations that would need to be installed in buildings under construction, and the number of construction projects requiring water bottle filling stations cannot be estimated. Many new buildings have installed water bottle filling stations, but the data is not readily available.

It is unknown the number of water bottle filling stations that would need to be installed, but the average cost of a single drinking fountain with a water bottle filling station is about \$1,200, as opposed to the cost of a standard drinking fountain, which averages \$465. This is an increased cost of \$735 per drinking fountain required. Water bottle filling stations can also be installed without a drinking fountain attached, which costs approximately \$900 per unit. The Washington Administrative Code (WAC), in accordance with the Washington State Building Code, states that buildings with occupant loads greater than 30 people require one drinking fountain for the first 150 occupants, and one additional water fountain per each additional 500 occupants. Drinking fountains must also be provided on each floor of multistory buildings with more than 30 occupants in public buildings, auditoriums, schools, theatres, stadiums, offices and dormitories under local jurisdiction.

C. SUMMARY OF REVENUE IMPACTS

Revenue impacts of the legislation on local governments, with the revenue provisions identified by section number, and when appropriate, the detail of revenue sources. Delineated between city, county and special district impacts.

This bill would not impact local government revenues.

SOURCES

House Bill Report, HB 1085, Environment & Energy Committee (2023)

Seattle Building Code, Section 2902

Washington State Building Code Council

Washington Administrative Code (WAC) 2902.5